

**30:4C-83; 3B-12A-2; 3B-12A-5 et al  
LEGISLATIVE HISTORY CHECKLIST**

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**LAWS OF:** 2021                    **CHAPTER:** 154

**NJSA:** 30:4C-83; 3B-12A-2; 3B-12A-5 et al (Requires DCF or court to consider placement of children with relatives or kinship guardians when making placement decision; makes changes to certain standards for initiating petitions to terminate parental rights.)

**BILL NO:** S3814                    (Substituted for A5598 (1R))

**SPONSOR(S)** Madden, Fred H. and others

**DATE INTRODUCED:** 5/20/2021

**COMMITTEE:**                    **ASSEMBLY:** ---

**SENATE:** Health, Human Services & Senior Citizens

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**                    **ASSEMBLY:** 6/21/2021

**SENATE:** 6/21/2021

**DATE OF APPROVAL:** 7/2/2021

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL** (First Reprint enacted) Yes

**S3814**

**INTRODUCED BILL (INCLUDES SPONSOR'S STATEMENT):** Yes

**COMMITTEE STATEMENT:**                    **ASSEMBLY:** No

**SENATE:** Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**A5598 (1R)**

**INTRODUCED BILL (INCLUDES SPONSOR'S STATEMENT):** Yes

**COMMITTEE STATEMENT:**                    **ASSEMBLY:** Yes

**SENATE:** No

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**FLOOR AMENDMENT STATEMENT:** Yes

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:**

Yes

**FOLLOWING WERE PRINTED:**

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**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

Yes

"NOTICES TO THE BAR; Notice – Family/Children in Court – Revised Complaint for Kinship Legal Guardianship and Revised Kinship Legal Guardianship Multipurpose Form of Order." *New Jersey Law Journal*. March 28, 2022.

RH/CL

P.L. 2021, CHAPTER 154, *approved July 2, 2021*  
Senate, No. 3814 (*First Reprint*)

1 AN ACT concerning child protective services and amending <sup>1</sup>and  
2 supplementing<sup>1</sup> various parts of the statutory law.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 <sup>1</sup>1. (New section) The Legislature finds and declares that:

8 a. Foster care is intended by existing state and federal statute to  
9 be temporary.

10 b. Kinship care is the preferred resource for children who must  
11 be removed from their birth parents because use of kinship care  
12 maintains children's connections with their families. There are  
13 many benefits to placing children with relatives or other kinship  
14 caregivers, such as increased stability and safety as well as the  
15 ability to maintain family connections and cultural traditions.

16 c. Federal law permits kinship legal guardianship arrangements  
17 to be used when the child has been in the care of a relative for a  
18 period of six months.

19 d. Parental rights must be protected and preserved whenever  
20 possible.

21 e. Children are capable of forming healthy attachments with  
22 multiple caring adults throughout the course of their childhood,  
23 including with birth parents, temporary resource parents, extended  
24 family members, and other caring adults.

25 f. The existence of a healthy attachment between a child and the  
26 child's resource family parent does not in and of itself preclude the  
27 child from maintaining, forming or repairing relationships with the  
28 child's parent or caregiver of origin.

29 g. It is therefore necessary for the Legislature to amend current  
30 laws to strengthen support for kinship caregivers, and ensure focus  
31 on parents' fitness and the benefits of preserving the birth parent-  
32 child relationship, as opposed to considering the impact of severing  
33 the child's relationship with the resource family parents.<sup>1</sup>

34

35 <sup>1</sup>**[1.] 2.**<sup>1</sup> Section 2 of P.L.2001, c.250 (C.3B:12A-2) is amended  
36 to read as follows:

37 As used in sections 1 through 6 of P.L.2001, c.250 (C.3B:12A-1  
38 et seq.):

39 "Caregiver" means a person over 18 years of age, other than a  
40 child's parent, who has a kinship relationship with the child and has

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SHH committee amendments adopted June 10, 2021.

1 been providing care and support for the child, while the child has  
2 been residing in the caregiver’s home, for either the last **[12**  
3 **consecutive months or 15 of the last 22]** six consecutive months or  
4 nine of the last 15 months. “Caregiver” includes a resource family  
5 parent as defined in section 1 of P.L.1962, c.136 (C.30:4C-26.4).

6 “Child” means a person under 18 years of age, except as  
7 otherwise provided in P.L.2001, c.250 (C.3B:12A-1 et al.).

8 “Commissioner” means the Commissioner of Children and  
9 Families.

10 “Court” means the Superior Court, Chancery Division, Family  
11 Part.

12 “Department” means the Department of Children and Families.

13 “Division” means the Division of Child Protection and  
14 Permanency in the Department of Children and Families.

15 “Family friend” means a person who is connected to a child or  
16 the child’s parent by an established positive psychological or  
17 emotional relationship that is not a biological or legal relationship.

18 “Home review” means the basic review of the information  
19 provided by the petitioner and a visit to the petitioner’s home where  
20 the child will continue to reside, in accordance with the provisions  
21 of P.L.2001, c.250 (C.3B:12A-1 et al.) and pursuant to regulations  
22 adopted by the commissioner.

23 “Kinship caregiver assessment” means a written report prepared  
24 in accordance with the provisions of P.L.2001, c.250 (C.3B:12A-1  
25 et al.) and pursuant to regulations adopted by the commissioner.

26 “Kinship legal guardian” means a caregiver who is willing to  
27 assume care of a child due to parental incapacity, with the intent to  
28 raise the child to adulthood, and who is appointed the kinship legal  
29 guardian of the child by the court pursuant to P.L.2001, c.250  
30 (C.3B:12A-1 et al.). A kinship legal guardian shall be responsible  
31 for the care and protection of the child and for providing for the  
32 child’s health, education and maintenance.

33 “Kinship relationship” means a family friend or a person with a  
34 biological or legal relationship with the child.

35 “Parental incapacity” means incapacity of such a serious nature  
36 as to demonstrate that the parent is unable, unavailable, or unwilling  
37 to perform the regular and expected functions of care and support of  
38 the child.

39 (cf: P.L.2006; 2012, c.16, s.13)

40

41 **<sup>1</sup>[2.] 3.** Section 5 of P.L.2001, c.250 (C.3B:12A-5) is amended  
42 to read as follows:

43 a. Upon petition of a caregiver, the court may appoint the  
44 caregiver as kinship legal guardian of a child residing in the  
45 caregiver’s home pursuant to the provisions of P.L. 2001, c. 250 (C.  
46 3B:12A-1 et al.).

47 b. A petition for the appointment of a kinship legal guardian  
48 shall include a kinship caregiver assessment, which shall contain:

- 1 (1) the full name and address of the person seeking to become
- 2 the kinship legal guardian;
- 3 (2) the circumstances of the kinship relationship;
- 4 (3) the whereabouts of the child's parents, if known;
- 5 (4) the nature of the parents' incapacitation, if known;
- 6 (5) the wishes of the parents, if known;
- 7 (6) the ability of the kinship caregiver family to assume
- 8 permanent care of the child;
- 9 (7) the child's property and assets, if known;
- 10 (8) the wishes of the child, if appropriate;
- 11 (9) any current involvement of a child with the division if the
- 12 child has an open division case and is actively receiving services;
- 13 (10) certification from the caregiver that the caregiver has been
- 14 providing care and support for the child, while the child has been
- 15 residing in the caregiver's home, for at least the last **[12**
- 16 **consecutive]** six consecutive months or nine of the last 15 months;
- 17 (11) the results from a criminal history record background check
- 18 and a domestic violence central registry check of the caregiver and
- 19 any adult residing in the caregiver's household conducted pursuant
- 20 to section 9 of P.L. 2001, c. 250 (C. 30:4C-86);
- 21 (12) the results from a child abuse record check arranged for and
- 22 coordinated by the division pursuant to section 9 of P.L. 2001, c.
- 23 250 (C. 30:4C-86); and
- 24 (13) the results of the caregiver's home review.
- 25 (cf: P.L.2001, c.250, s.5)

26  
27 **<sup>1</sup>[3.] 4.<sup>1</sup>** Section 6 of P.L.2001, c.250 (C.3B:12A-6) is amended  
28 to read as follows:

- 29 6. a. In making its determination about whether to appoint the
- 30 caregiver as kinship legal guardian, the court shall consider:
- 31 (1) if proper notice was provided to the child's parents;
- 32 (2) the best interests of the child;
- 33 (3) the kinship caregiver assessment;
- 34 (4) in cases in which the division is involved with the child as
- 35 provided in subsection a. of section 8 of P.L.2001, c.250 (C.30:4C-
- 36 85), the recommendation of the division, including any parenting
- 37 time or visitation restrictions;
- 38 (5) the potential kinship legal guardian's ability to provide a
- 39 safe and permanent home for the child;
- 40 (6) the wishes of the child's parents, if known to the court;
- 41 (7) the wishes of the child if the child is 12 years of age or older,
- 42 unless unique circumstances exist that make the child's age
- 43 irrelevant;
- 44 (8) the suitability of the kinship caregiver and the caregiver's
- 45 family to raise the child;
- 46 (9) the ability of the kinship caregiver to assume full legal
- 47 responsibility for the child;
- 48 (10) the commitment of the kinship caregiver and the
- 49 caregiver's family to raise the child to adulthood;

- 1 (11) the results from the child abuse record check conducted  
2 pursuant to section 9 of P.L.2001, c.250 (C.30:4C-86); and
- 3 (12) the results from the criminal history record background  
4 check and domestic violence check conducted pursuant to section 9  
5 of P.L.2001, c.250 (C.30:4C-86). In any case in which the caregiver  
6 petitioning for kinship legal guardianship, or any adult residing in  
7 the prospective caregiver's home, has a record of criminal history  
8 or a record of being subjected to a final domestic violence  
9 restraining order under P.L.1991, c.261 (C.2C:25-17 et seq.), the  
10 court shall review the record with respect to the type and date of the  
11 criminal offense or the provisions and date of the final domestic  
12 violence restraining order and make a determination as to the  
13 suitability of the person to become a kinship legal guardian. For the  
14 purposes of this paragraph, with respect to criminal history, the  
15 court shall consider convictions for offenses specified in  
16 subsections c., d. and e. of section 1 of P.L.1985, c.396 (C.30:4C-  
17 26.8).
- 18 b. The court shall not award kinship legal guardianship of the  
19 child unless proper notice was served upon the parents of the child  
20 and any other party to whom the court has awarded custody or  
21 parenting time for that child, in accordance with the Rules of Court.
- 22 c. The court shall not award kinship legal guardianship of the  
23 child solely because of parental incapacity.
- 24 d. The court shall appoint the caregiver as a kinship legal  
25 guardian if, based upon clear and convincing evidence, the court  
26 finds that:
- 27 (1) each parent's incapacity is of such a serious nature as to  
28 demonstrate that the parents are unable, unavailable or unwilling to  
29 perform the regular and expected functions of care and support of  
30 the child;
- 31 (2) the parents' inability to perform those functions is unlikely  
32 to change in the foreseeable future;
- 33 (3) in cases in which the division is involved with the child as  
34 provided in subsection a. of section 8 of P.L.2001, c.250 (C.30:4C-  
35 85), **[(a)]** the division exercised reasonable efforts to reunify the  
36 child with the birth parents and these reunification efforts have  
37 proven unsuccessful or unnecessary; **[and (b) adoption of the child**  
38 **is neither feasible nor likely;]** (Deleted by amendment, P.L. \_\_\_\_\_ c.  
39 (C. \_\_\_\_\_) (pending before the Legislature as this bill) and
- 40 (4) awarding kinship legal guardianship is in the child's best  
41 interests.
- 42 e. The court order appointing the kinship legal guardian shall  
43 specify, as appropriate, that:
- 44 (1) a kinship legal guardian shall have the same rights,  
45 responsibilities and authority relating to the child as a birth parent,  
46 including, but not limited to: making decisions concerning the  
47 child's care and well-being; consenting to routine and emergency  
48 medical and mental health needs; arranging and consenting to  
49 educational plans for the child; applying for financial assistance and

1 social services for which the child is eligible; applying for a motor  
2 vehicle operator's license; applying for admission to college;  
3 responsibility for activities necessary to ensure the child's safety,  
4 permanency and well-being; and ensuring the maintenance and  
5 protection of the child; except that a kinship legal guardian may not  
6 consent to the adoption of the child or a name change for the child;

7 (2) the birth parent of the child retains the authority to consent  
8 to the adoption of the child or a name change for the child;

9 (3) the birth parent of the child retains the obligation to pay  
10 child support;

11 (4) the birth parent of the child retains the right to visitation or  
12 parenting time with the child, as determined by the court;

13 (5) the appointment of a kinship legal guardian does not limit or  
14 terminate any rights or benefits derived from the child's parents,  
15 including, but not limited to, those relating to inheritance or  
16 eligibility for benefits or insurance; and

17 (6) kinship legal guardianship terminates when the child reaches  
18 18 years of age or when the child is no longer continuously enrolled  
19 in a secondary education program, whichever event occurs later, or  
20 when kinship legal guardianship is otherwise terminated.

21 f. An order or judgment awarding kinship legal guardianship  
22 may be vacated by the court prior to the child's 18th birthday if the  
23 court finds that the kinship legal guardianship is no longer in the  
24 best interests of the child or, in cases where there is an application  
25 to return the child to the parent, based upon clear and convincing  
26 evidence, the court finds that the parental incapacity or inability to  
27 care for the child that led to the original award of kinship legal  
28 guardianship is no longer the case and termination of kinship legal  
29 guardianship is in the child's best interests.

30 In cases in which the division was involved, when determining  
31 whether a child should be returned to a parent, the court may refer a  
32 parent for an assessment prepared by the division, in accordance  
33 with regulations adopted by the commissioner.

34 g. An order or judgment awarding kinship legal guardianship  
35 may be vacated by the court if, based upon clear and convincing  
36 evidence, the court finds that the guardian failed or is unable,  
37 unavailable or unwilling to provide proper care and custody of the  
38 child, or that the guardianship is no longer in the child's best  
39 interests.

40 (cf: P.L.2006, c.47, s.32)

41  
42 <sup>1</sup>**[4.] 5.**<sup>1</sup> Section 10 of P.L.1974, c.119 (C.9:6-8.30) is amended  
43 to read as follows:

44 a. The division, when informed that there has been an  
45 emergency removal of a child from his home without court order,  
46 shall make every reasonable effort to communicate immediately  
47 with the child's parent or guardian that such emergency removal has  
48 been made and the location of the facility to which the child has  
49 been taken, and advise the parent or guardian to appear in the

1 appropriate Superior Court, Chancery Division, Family Part within  
2 two court days.

3 The division shall make a reasonable effort, at least 24 hours  
4 prior to the court hearing, to:

5 notify the parent or guardian of the time to appear in court; and

6 inform the parent or guardian of his right to obtain counsel, and  
7 how to obtain counsel through the Office of the Public Defender if  
8 the parent or guardian is indigent.

9 The division shall also advise the party making the removal to  
10 appear. If the removed child is returned to his home prior to the  
11 court hearing, there shall be no court hearing to determine the  
12 sufficiency of cause for the child's removal, unless the child's  
13 parent or guardian makes application to the court for review.

14 The division shall make reasonable efforts to place the child with  
15 a suitable relative or person who has a kinship relationship as  
16 defined in section 2 of P.L.2001, c.250 (C.3B:12A-2) prior to  
17 placing the child with another suitable person.

18 For the purposes of this section, "facility" means a hospital,  
19 shelter or child care institution in which a child may be placed for  
20 temporary care, but does not include a resource family home.

21 b. The division shall cause a complaint to be filed under this act  
22 within two court days after such removal takes place.

23 c. Whenever a child has been removed pursuant to section 7 or 9  
24 of P.L.1974, c.119 (C.9:6-8.27 or 9:6-8.29), the division shall  
25 arrange for immediate medical screening of the child and shall have  
26 legal authority to consent to such screening. If necessary to  
27 safeguard the child's health or life, the division also is authorized to  
28 arrange for and consent to medical care or treatment of the child.  
29 Consent by the division pursuant to this subsection shall be deemed  
30 legal and valid for all purposes with respect to any person, hospital,  
31 or other health care facility screening, examining or providing care  
32 or treatment to a child in accordance with and in reliance upon such  
33 consent. Medical reports resulting from such screening,  
34 examination or care or treatment shall be released to the division for  
35 the purpose of aiding in the determination of whether the child has  
36 been abused or neglected. Any person or health care facility acting  
37 in good faith in the screening of, examination of or provision of  
38 care and treatment to a child or in the release of medical records  
39 shall have immunity from any liability, civil or criminal, that might  
40 otherwise be incurred or imposed as a result of such act.

41 (cf: P.L.2006, c.47, s.49)

42

43 <sup>1</sup>**[5.] 6.**<sup>1</sup> Section 11 P.L.1974, c.119 (C.9:6-8.31) is amended to  
44 read as follows:

45 11. a. In any case where the child has been removed without  
46 court order, except where action has been taken pursuant to  
47 P.L.1973, c.147 (C.9:6-8.16 et seq.) the Superior Court, Chancery  
48 Division, Family Part shall hold a hearing on the next court day,  
49 whereby the safety of the child shall be of paramount concern, to



1 determine whether the child's interests require protection pending a  
2 final order of disposition. In any other case under P.L.1974, c.119  
3 (C.9:6-8.21 et seq.), any person who may originate a proceeding  
4 may apply for, or the court, on its own motion, may order a hearing  
5 at any time after the complaint is filed to determine, with the safety  
6 of the child of paramount concern, whether the child's interests  
7 require protection pending a final order of disposition.

8 b. Upon such hearing, if the court finds that continued removal  
9 is necessary to avoid an ongoing risk to the child's life, safety, or  
10 health, it shall affirm the removal of the child to an appropriate  
11 place or place him in the custody of a suitable person.

12 The court shall also <sup>1</sup>first<sup>1</sup> consider placement of the child with a  
13 suitable relative or person who has a kinship relationship as defined  
14 in section 2 of P.L.2001, c.250 (C.3B:12A-2), when considering if  
15 the child should be placed in the custody of a suitable person.

16 If the court determines that removal of the child by a physician,  
17 police officer, designated employee of the Probation Division, or  
18 designated employee of the Division of Child Protection and  
19 Permanency was necessary due to imminent danger to the child's  
20 life, safety, or health, the court shall find that the Division of Child  
21 Protection and Permanency was not required to provide reasonable  
22 efforts to prevent placement of the child in accordance with section  
23 24 of P.L.1999, c.53 (C.30:4C-11.2).

24 c. Upon such hearing the court may, for good cause shown,  
25 issue a preliminary order of protection which may contain any of  
26 the provisions authorized on the making of an order of protection  
27 under section 35 of P.L.1974, c.119 (C.9:6-8.55).

28 d. Upon such hearing, the court may, for good cause shown,  
29 release the child to the custody of his parent or guardian from  
30 whose custody or care the child was removed, pending a final order  
31 of disposition, in accord with section 33 of P.L.1974, c.119 (C.9:6-  
32 8.53).

33 e. Upon such hearing, the court may authorize a physician or  
34 hospital to provide medical or surgical procedures if such  
35 procedures are necessary to safeguard the child's life or health.

36 f. If the court grants or denies a preliminary order requested  
37 pursuant to this section, it shall state the grounds for such decision.

38 g. In all cases involving abuse or neglect the court shall order an  
39 examination of the child by a physician appointed or designated for  
40 the purpose by the division. As part of such examination, the  
41 physician shall arrange to have color photographs taken as soon as  
42 practical of any areas of trauma visible on such child and may if  
43 indicated, arrange to have a radiological examination performed on  
44 the child. The physician, on the completion of such examination,  
45 shall forward the results thereof together with the color photographs  
46 to the court ordering such examination.

47 (cf: P.L.2012, c.16, s.33)

1       <sup>1</sup>**[6.] 7.**<sup>1</sup> Section 34 of P.L.1974, c. 119 (C.9:6-8.54) is  
2 amended to read as follows:

3       34. a. For the purpose of section 31 of P.L.1974, c.119 (C.9:6-  
4 8.51), the court may place the child in the custody of a relative or  
5 other suitable person or the division for the placement of a child  
6 after a finding that the division has made reasonable efforts to  
7 prevent placement or that reasonable efforts to prevent placement  
8 were not required in accordance with section 24 of P.L.1999, c.53  
9 (C.30:4C-11.2). The court shall also <sup>1</sup>first<sup>1</sup> consider placement of  
10 the child with a suitable relative or person who has a kinship  
11 relationship as defined in section 2 of P.L.2001, c.250 (C.3B:12A-  
12 2), when considering if the child should be placed in the custody of  
13 another suitable person.

14       b. (1) Placements under this section may be for an initial period  
15 of 12 months and the court, in its discretion, may at the expiration  
16 of that period, upon a hearing make successive extensions for  
17 additional periods of up to one year each. The court on its own  
18 motion may, at the conclusion of any period of placement, hold a  
19 hearing concerning the need for continuing the placement.

20       (2) The court shall conduct a permanency hearing for the child  
21 no later than 30 days after placement in cases in which the court has  
22 determined that reasonable efforts to reunify the child with the  
23 parent or guardian are not required pursuant to section 25 of  
24 P.L.1999, c.53 (C.30:4C-11.3), or no later than 12 months after  
25 placement in cases in which the court has determined that efforts to  
26 reunify the child with the parent or guardian are required. The  
27 hearing shall include, but not necessarily be limited to,  
28 consideration and evaluation of information provided by the  
29 division and other interested parties regarding such matters as those  
30 listed in subsection c. of section 50 of P.L.1999, c.53 (C.30:4C-  
31 61.2).

32       (3) The court shall review the permanency plan for the child  
33 periodically, as deemed appropriate by the court, to ensure that the  
34 permanency plan is achieved.

35       c. No placement may be made or continued under this section  
36 beyond the child's eighteenth birthday without his consent.

37       d. If the parent or person legally responsible for the care of any  
38 such child or with whom such child resides receives public  
39 assistance and care, any portion of which is attributable to such  
40 child, a copy of the order of the court providing for the placement  
41 of such child from his home shall be furnished to the appropriate  
42 county welfare board, which shall reduce the public assistance and  
43 care furnished to such parent or other person by the amount  
44 attributable to such child.

45 (cf: P.L.1999, c.213, s.2)

46

47       <sup>1</sup>**[7.] 8.**<sup>1</sup> Section 6 of P.L.1991, c.275 (C.30:4C-12.1) is  
48 amended to read as follows:

1 a. In any case in which the Department of Children and Families  
2 accepts a child in its care or custody, including placement, the  
3 department shall consider placement of the child with a suitable  
4 relative or person who has a kinship relationship as defined in  
5 section 2 of P.L.2001, c.250 (C.3B:12A-2). **【the】** The department  
6 shall initiate a search for relatives or persons with a kinship  
7 relationship with the child who may be willing and able to provide  
8 the care and support required by the child. The search shall be  
9 initiated within 30 days of the department's acceptance of the child  
10 in its care or custody. The search will be completed when all  
11 sources contacted have either responded to the inquiry or failed to  
12 respond within 45 days. The department shall complete an  
13 assessment of each interested relative's or person's ability to  
14 provide the care and support, including placement, required by the  
15 child.

16 b. If the department determines that the relative or person who  
17 has a kinship relationship with the child is unwilling or unable to  
18 assume the care of the child, the department shall not be required to  
19 re-evaluate the relative. The department shall inform the relative or  
20 person in writing of:

- 21 (1) the reasons for the department's determination;  
22 (2) the responsibility of the relative or person to inform the  
23 department if there is a change in the circumstances upon which the  
24 determination was made;  
25 (3) the possibility that termination of parental rights may occur  
26 if the child remains in resource family care for more than six  
27 months; and  
28 (4) the right to seek review by the department of such  
29 determination.

30 c. The department may decide to pursue the termination of  
31 parental rights if the department determines that termination of  
32 parental rights is in the child's best interests.

33 (cf: P.L.2006, c.47, s.123)

34

35 **1【8.】** 9.<sup>1</sup> Section 7 of P.L.1991, c.275 (C.30:4C-15.1) is  
36 amended to read as follows:

37 a. The division shall initiate a petition to terminate parental  
38 rights on the grounds of the "best interests of the child" pursuant to  
39 subsection (c) of section 15 of P.L.1951, c.138 (C.30:4C-15) if the  
40 following standards are met:

- 41 (1) The child's safety, health, or development has been or will  
42 continue to be endangered by the parental relationship;  
43 (2) The parent is unwilling or unable to eliminate the harm  
44 facing the child or is unable or unwilling to provide a safe and  
45 stable home for the child and the delay of permanent placement will  
46 add to the harm. **【Such harm may include evidence that separating**  
47 **the child from his resource family parents would cause serious and**  
48 **enduring emotional or psychological harm to the child】;**

1 (3) The division has made reasonable efforts to provide services  
2 to help the parent correct the circumstances which led to the child's  
3 placement outside the home and the court has considered  
4 alternatives to termination of parental rights; and

5 (4) Termination of parental rights will not do more harm than  
6 good.

7 b. The division shall initiate a petition to terminate parental  
8 rights on the ground that the "parent has abandoned the child"  
9 pursuant to subsection (e) of section 15 of P.L.1951, c.138  
10 (C.30:4C-15) if the following standards are met:

11 (1) a court finds that for a period of six or more months:

12 (a) the parent, although able to have contact, has had no contact  
13 with the child, the child's resource family parent or the division;  
14 and

15 (b) the parent's whereabouts are unknown, notwithstanding the  
16 division's reasonable efforts to locate the parent; or

17 (2) where the identities of the parents are unknown and the  
18 division has exhausted all reasonable methods of attempting  
19 identification, the division may immediately file for termination of  
20 parental rights upon the completion of the law enforcement  
21 investigation; or

22 (3) where the parent voluntarily delivered the child to and left  
23 the child with an adult employee, or voluntarily arranged for  
24 another person to deliver the child to and leave the child with an  
25 adult employee, at a State, county or municipal police station, a fire  
26 station of a municipal, county, fire district, or volunteer fire  
27 department, the premises of a public or private ambulance, first aid,  
28 or rescue squad; or voluntarily delivered the child to and left the  
29 child at an emergency department of a licensed general hospital in  
30 this State when the child is or appears to be no more than 30 days  
31 old, without expressing an intent to return for the child, as provided  
32 in section 4 of P.L.2000, c.58 (C.30:4C-15.7), the division shall file  
33 for termination of parental rights no later than 21 days after the day  
34 the division assumed care, custody and control of the child.

35 c. As used in this section and in section 15 of P.L.1951, c.138  
36 (C.30:4C-15) "reasonable efforts" mean attempts by an agency  
37 authorized by the division to assist the parents in remedying the  
38 circumstances and conditions that led to the placement of the child  
39 and in reinforcing the family structure, including, but not limited to:

40 (1) consultation and cooperation with the parent in developing a  
41 plan for appropriate services;

42 (2) providing services that have been agreed upon, to the family,  
43 in order to further the goal of family reunification;

44 (3) informing the parent at appropriate intervals of the child's  
45 progress, development, and health; and

46 (4) facilitating appropriate visitation.

47 d. The division shall not be required to provide "reasonable  
48 efforts" as defined in subsection c. of this section prior to filing a  
49 petition for the termination of parental rights if an exception to the

1 requirement to provide reasonable efforts to reunify the family has  
2 been established pursuant to section 25 of P.L.1999, c.53 (C.30:4C-  
3 11.3).

4 (cf: P.L.2015, c.82, s.3)

5

6 <sup>1</sup>**[9.]** 10.<sup>1</sup> This act shall take effect immediately.

7

8

9

10

11 \_\_\_\_\_  
12 Requires DCF or court to consider placement of children with  
13 relatives or kinship guardians when making placement decision;  
14 makes changes to certain standards for initiating petitions to  
terminate parental rights.

**SENATE, No. 3814**

**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

INTRODUCED MAY 20, 2021

**Sponsored by:**

**Senator FRED H. MADDEN, JR.**

**District 4 (Camden and Gloucester)**

**SYNOPSIS**

Requires DCF or court to consider placement of children with relatives or kinship guardians when making placement decision; makes changes to certain standards for initiating petitions to terminate parental rights.

**CURRENT VERSION OF TEXT**

As introduced.



S3814 MADDEN

2

1 AN ACT concerning child protective services and amending various  
2 parts of the statutory law.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. Section 2 of P.L.2001, c.250 (C.3B:12A-2) is amended to  
8 read as follows:

9 As used in sections 1 through 6 of P.L.2001, c.250 (C.3B:12A-1  
10 et seq.):

11 “Caregiver” means a person over 18 years of age, other than a  
12 child’s parent, who has a kinship relationship with the child and has  
13 been providing care and support for the child, while the child has  
14 been residing in the caregiver’s home, for either the last **[12**  
15 **consecutive months or 15 of the last 22]** six consecutive months or  
16 nine of the last 15 months. “Caregiver” includes a resource family  
17 parent as defined in section 1 of P.L.1962, c.136 (C.30:4C-26.4).

18 “Child” means a person under 18 years of age, except as  
19 otherwise provided in P.L.2001, c.250 (C.3B:12A-1 et al.).

20 “Commissioner” means the Commissioner of Children and  
21 Families.

22 “Court” means the Superior Court, Chancery Division, Family  
23 Part.

24 “Department” means the Department of Children and Families.

25 “Division” means the Division of Child Protection and  
26 Permanency in the Department of Children and Families.

27 “Family friend” means a person who is connected to a child or  
28 the child’s parent by an established positive psychological or  
29 emotional relationship that is not a biological or legal relationship.

30 “Home review” means the basic review of the information  
31 provided by the petitioner and a visit to the petitioner’s home where  
32 the child will continue to reside, in accordance with the provisions  
33 of P.L.2001, c.250 (C.3B:12A-1 et al.) and pursuant to regulations  
34 adopted by the commissioner.

35 “Kinship caregiver assessment” means a written report prepared  
36 in accordance with the provisions of P.L.2001, c.250 (C.3B:12A-1  
37 et al.) and pursuant to regulations adopted by the commissioner.

38 “Kinship legal guardian” means a caregiver who is willing to  
39 assume care of a child due to parental incapacity, with the intent to  
40 raise the child to adulthood, and who is appointed the kinship legal  
41 guardian of the child by the court pursuant to P.L.2001, c.250  
42 (C.3B:12A-1 et al.). A kinship legal guardian shall be responsible  
43 for the care and protection of the child and for providing for the  
44 child’s health, education and maintenance.

45 “Kinship relationship” means a family friend or a person with a

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

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1 biological or legal relationship with the child.

2 “Parental incapacity” means incapacity of such a serious nature  
3 as to demonstrate that the parent is unable, unavailable, or unwilling  
4 to perform the regular and expected functions of care and support of  
5 the child.

6 (cf: P.L.2006; 2012, c.16, s.13)

7

8 2. Section 5 of P.L.2001, c.250 (C.3B:12A-5) is amended to  
9 read as follows:

10 a. Upon petition of a caregiver, the court may appoint the  
11 caregiver as kinship legal guardian of a child residing in the  
12 caregiver’s home pursuant to the provisions of P.L. 2001, c. 250 (C.  
13 3B:12A-1 et al.).

14 b. A petition for the appointment of a kinship legal guardian  
15 shall include a kinship caregiver assessment, which shall contain:

16 (1) the full name and address of the person seeking to become  
17 the kinship legal guardian;

18 (2) the circumstances of the kinship relationship;

19 (3) the whereabouts of the child’s parents, if known;

20 (4) the nature of the parents’ incapacitation, if known;

21 (5) the wishes of the parents, if known;

22 (6) the ability of the kinship caregiver family to assume  
23 permanent care of the child;

24 (7) the child’s property and assets, if known;

25 (8) the wishes of the child, if appropriate;

26 (9) any current involvement of a child with the division if the  
27 child has an open division case and is actively receiving services;

28 (10) certification from the caregiver that the caregiver has been  
29 providing care and support for the child, while the child has been  
30 residing in the caregiver’s home, for at least the last **12**  
31 **consecutive** ~~six consecutive months or nine of the last 15~~ months;

32 (11) the results from a criminal history record background check  
33 and a domestic violence central registry check of the caregiver and  
34 any adult residing in the caregiver’s household conducted pursuant  
35 to section 9 of P.L. 2001, c. 250 (C. 30:4C-86);

36 (12) the results from a child abuse record check arranged for and  
37 coordinated by the division pursuant to section 9 of P.L. 2001, c.  
38 250 (C. 30:4C-86); and

39 (13) the results of the caregiver’s home review.

40 (cf: P.L.2001, c.250, s.5)

41

42 3. Section 6 of P.L.2001, c.250 (C.3B:12A-6) is amended to  
43 read as follows:

44 6. a. In making its determination about whether to appoint the  
45 caregiver as kinship legal guardian, the court shall consider:

46 (1) if proper notice was provided to the child’s parents;

47 (2) the best interests of the child;

48 (3) the kinship caregiver assessment;



1 (4) in cases in which the division is involved with the child as  
2 provided in subsection a. of section 8 of P.L.2001, c.250 (C.30:4C-  
3 85), the recommendation of the division, including any parenting  
4 time or visitation restrictions;

5 (5) the potential kinship legal guardian's ability to provide a  
6 safe and permanent home for the child;

7 (6) the wishes of the child's parents, if known to the court;

8 (7) the wishes of the child if the child is 12 years of age or older,  
9 unless unique circumstances exist that make the child's age  
10 irrelevant;

11 (8) the suitability of the kinship caregiver and the caregiver's  
12 family to raise the child;

13 (9) the ability of the kinship caregiver to assume full legal  
14 responsibility for the child;

15 (10) the commitment of the kinship caregiver and the  
16 caregiver's family to raise the child to adulthood;

17 (11) the results from the child abuse record check conducted  
18 pursuant to section 9 of P.L.2001, c.250 (C.30:4C-86); and

19 (12) the results from the criminal history record background  
20 check and domestic violence check conducted pursuant to section 9  
21 of P.L.2001, c.250 (C.30:4C-86). In any case in which the caregiver  
22 petitioning for kinship legal guardianship, or any adult residing in  
23 the prospective caregiver's home, has a record of criminal history  
24 or a record of being subjected to a final domestic violence  
25 restraining order under P.L.1991, c.261 (C.2C:25-17 et seq.), the  
26 court shall review the record with respect to the type and date of the  
27 criminal offense or the provisions and date of the final domestic  
28 violence restraining order and make a determination as to the  
29 suitability of the person to become a kinship legal guardian. For the  
30 purposes of this paragraph, with respect to criminal history, the  
31 court shall consider convictions for offenses specified in  
32 subsections c., d. and e. of section 1 of P.L.1985, c.396 (C.30:4C-  
33 26.8).

34 b. The court shall not award kinship legal guardianship of the  
35 child unless proper notice was served upon the parents of the child  
36 and any other party to whom the court has awarded custody or  
37 parenting time for that child, in accordance with the Rules of Court.

38 c. The court shall not award kinship legal guardianship of the  
39 child solely because of parental incapacity.

40 d. The court shall appoint the caregiver as a kinship legal  
41 guardian if, based upon clear and convincing evidence, the court  
42 finds that:

43 (1) each parent's incapacity is of such a serious nature as to  
44 demonstrate that the parents are unable, unavailable or unwilling to  
45 perform the regular and expected functions of care and support of  
46 the child;

47 (2) the parents' inability to perform those functions is unlikely  
48 to change in the foreseeable future;

1 (3) in cases in which the division is involved with the child as  
2 provided in subsection a. of section 8 of P.L.2001, c.250 (C.30:4C-  
3 85), **[(a)]** the division exercised reasonable efforts to reunify the  
4 child with the birth parents and these reunification efforts have  
5 proven unsuccessful or unnecessary; **[and (b) adoption of the child**  
6 **is neither feasible nor likely;]** (Deleted by amendment, P.L. c.  
7 (C. ) (pending before the Legislature as this bill) and

8 (4) awarding kinship legal guardianship is in the child's best  
9 interests.

10 e. The court order appointing the kinship legal guardian shall  
11 specify, as appropriate, that:

12 (1) a kinship legal guardian shall have the same rights,  
13 responsibilities and authority relating to the child as a birth parent,  
14 including, but not limited to: making decisions concerning the  
15 child's care and well-being; consenting to routine and emergency  
16 medical and mental health needs; arranging and consenting to  
17 educational plans for the child; applying for financial assistance and  
18 social services for which the child is eligible; applying for a motor  
19 vehicle operator's license; applying for admission to college;  
20 responsibility for activities necessary to ensure the child's safety,  
21 permanency and well-being; and ensuring the maintenance and  
22 protection of the child; except that a kinship legal guardian may not  
23 consent to the adoption of the child or a name change for the child;

24 (2) the birth parent of the child retains the authority to consent  
25 to the adoption of the child or a name change for the child;

26 (3) the birth parent of the child retains the obligation to pay  
27 child support;

28 (4) the birth parent of the child retains the right to visitation or  
29 parenting time with the child, as determined by the court;

30 (5) the appointment of a kinship legal guardian does not limit or  
31 terminate any rights or benefits derived from the child's parents,  
32 including, but not limited to, those relating to inheritance or  
33 eligibility for benefits or insurance; and

34 (6) kinship legal guardianship terminates when the child reaches  
35 18 years of age or when the child is no longer continuously enrolled  
36 in a secondary education program, whichever event occurs later, or  
37 when kinship legal guardianship is otherwise terminated.

38 f. An order or judgment awarding kinship legal guardianship  
39 may be vacated by the court prior to the child's 18th birthday if the  
40 court finds that the kinship legal guardianship is no longer in the  
41 best interests of the child or, in cases where there is an application  
42 to return the child to the parent, based upon clear and convincing  
43 evidence, the court finds that the parental incapacity or inability to  
44 care for the child that led to the original award of kinship legal  
45 guardianship is no longer the case and termination of kinship legal  
46 guardianship is in the child's best interests.

47 In cases in which the division was involved, when determining  
48 whether a child should be returned to a parent, the court may refer a

1 parent for an assessment prepared by the division, in accordance  
2 with regulations adopted by the commissioner.

3 g. An order or judgment awarding kinship legal guardianship  
4 may be vacated by the court if, based upon clear and convincing  
5 evidence, the court finds that the guardian failed or is unable,  
6 unavailable or unwilling to provide proper care and custody of the  
7 child, or that the guardianship is no longer in the child's best  
8 interests.

9 (cf: P.L.2006, c.47, s.32)

10

11 4. Section 10 of P.L.1974, c.119 (C.9:6-8.30) is amended to read  
12 as follows:

13 a. The division, when informed that there has been an  
14 emergency removal of a child from his home without court order,  
15 shall make every reasonable effort to communicate immediately  
16 with the child's parent or guardian that such emergency removal has  
17 been made and the location of the facility to which the child has  
18 been taken, and advise the parent or guardian to appear in the  
19 appropriate Superior Court, Chancery Division, Family Part within  
20 two court days.

21 The division shall make a reasonable effort, at least 24 hours  
22 prior to the court hearing, to:

23 notify the parent or guardian of the time to appear in court; and

24 inform the parent or guardian of his right to obtain counsel, and  
25 how to obtain counsel through the Office of the Public Defender if  
26 the parent or guardian is indigent.

27 The division shall also advise the party making the removal to  
28 appear. If the removed child is returned to his home prior to the  
29 court hearing, there shall be no court hearing to determine the  
30 sufficiency of cause for the child's removal, unless the child's  
31 parent or guardian makes application to the court for review.

32 The division shall make reasonable efforts to place the child with  
33 a suitable relative or person who has a kinship relationship as  
34 defined in section 2 of P.L.2001, c.250 (C.3B:12A-2) prior to  
35 placing the child with another suitable person.

36 For the purposes of this section, "facility" means a hospital,  
37 shelter or child care institution in which a child may be placed for  
38 temporary care, but does not include a resource family home.

39 b. The division shall cause a complaint to be filed under this act  
40 within two court days after such removal takes place.

41 c. Whenever a child has been removed pursuant to section 7 or 9  
42 of P.L.1974, c.119 (C.9:6-8.27 or 9:6-8.29), the division shall  
43 arrange for immediate medical screening of the child and shall have  
44 legal authority to consent to such screening. If necessary to  
45 safeguard the child's health or life, the division also is authorized to  
46 arrange for and consent to medical care or treatment of the child.  
47 Consent by the division pursuant to this subsection shall be deemed  
48 legal and valid for all purposes with respect to any person, hospital,

1 or other health care facility screening, examining or providing care  
2 or treatment to a child in accordance with and in reliance upon such  
3 consent. Medical reports resulting from such screening,  
4 examination or care or treatment shall be released to the division for  
5 the purpose of aiding in the determination of whether the child has  
6 been abused or neglected. Any person or health care facility acting  
7 in good faith in the screening of, examination of or provision of  
8 care and treatment to a child or in the release of medical records  
9 shall have immunity from any liability, civil or criminal, that might  
10 otherwise be incurred or imposed as a result of such act.

11 (cf: P.L.2006, c.47, s.49)

12

13 5. Section 11 P.L.1974, c.119 (C.9:6-8.31) is amended to read as  
14 follows:

15 a. In any case where the child has been removed without court  
16 order, except where action has been taken pursuant to P.L.1973,  
17 c.147 (C.9:6-8.16 et seq.) the Superior Court, Chancery Division,  
18 Family Part shall hold a hearing on the next court day, whereby the  
19 safety of the child shall be of paramount concern, to determine  
20 whether the child's interests require protection pending a final order  
21 of disposition. In any other case under P.L.1974, c.119 (C.9:6-8.21  
22 et seq.), any person who may originate a proceeding may apply for,  
23 or the court, on its own motion, may order a hearing at any time  
24 after the complaint is filed to determine, with the safety of the child  
25 of paramount concern, whether the child's interests require  
26 protection pending a final order of disposition.

27 b. Upon such hearing, if the court finds that continued removal  
28 is necessary to avoid an ongoing risk to the child's life, safety, or  
29 health, it shall affirm the removal of the child to an appropriate  
30 place or place him in the custody of a suitable person.

31 The court shall also consider placement of the child with a  
32 suitable relative or person who has a kinship relationship as defined  
33 in section 2 of P.L.2001, c.250 (C.3B:12A-2), when considering if  
34 the child should be placed in the custody of a suitable person.

35 If the court determines that removal of the child by a physician,  
36 police officer, designated employee of the Probation Division, or  
37 designated employee of the Division of Child Protection and  
38 Permanency was necessary due to imminent danger to the child's  
39 life, safety, or health, the court shall find that the Division of Child  
40 Protection and Permanency was not required to provide reasonable  
41 efforts to prevent placement of the child in accordance with section  
42 24 of P.L.1999, c.53 (C.30:4C-11.2).

43 c. Upon such hearing the court may, for good cause shown,  
44 issue a preliminary order of protection which may contain any of  
45 the provisions authorized on the making of an order of protection  
46 under section 35 of P.L.1974, c.119 (C.9:6-8.55).

47 d. Upon such hearing, the court may, for good cause shown,  
48 release the child to the custody of his parent or guardian from

1 whose custody or care the child was removed, pending a final order  
2 of disposition, in accord with section 33 of P.L.1974, c.119 (C.9:6-  
3 8.53).

4 e. Upon such hearing, the court may authorize a physician or  
5 hospital to provide medical or surgical procedures if such  
6 procedures are necessary to safeguard the child's life or health.

7 f. If the court grants or denies a preliminary order requested  
8 pursuant to this section, it shall state the grounds for such decision.

9 g. In all cases involving abuse or neglect the court shall order an  
10 examination of the child by a physician appointed or designated for  
11 the purpose by the division. As part of such examination, the  
12 physician shall arrange to have color photographs taken as soon as  
13 practical of any areas of trauma visible on such child and may if  
14 indicated, arrange to have a radiological examination performed on  
15 the child. The physician, on the completion of such examination,  
16 shall forward the results thereof together with the color photographs  
17 to the court ordering such examination.

18 (cf: P.L.2012, c.16, s.33)

19

20 6. Section 34 of P.L.1974, c. 119 (C.9:6-8.54) is amended to  
21 read as follows:

22 34. a. For the purpose of section 31 of P.L.1974, c.119 (C.9:6-  
23 8.51), the court may place the child in the custody of a relative or  
24 other suitable person or the division for the placement of a child  
25 after a finding that the division has made reasonable efforts to  
26 prevent placement or that reasonable efforts to prevent placement  
27 were not required in accordance with section 24 of P.L.1999, c.53  
28 (C.30:4C-11.2). The court shall also consider placement of the  
29 child with a suitable relative or person who has a kinship  
30 relationship as defined in section 2 of P.L.2001, c.250 (C.3B:12A-  
31 2), when considering if the child should be placed in the custody of  
32 another suitable person.

33 b. (1) Placements under this section may be for an initial period  
34 of 12 months and the court, in its discretion, may at the expiration  
35 of that period, upon a hearing make successive extensions for  
36 additional periods of up to one year each. The court on its own  
37 motion may, at the conclusion of any period of placement, hold a  
38 hearing concerning the need for continuing the placement.

39 (2) The court shall conduct a permanency hearing for the child  
40 no later than 30 days after placement in cases in which the court has  
41 determined that reasonable efforts to reunify the child with the  
42 parent or guardian are not required pursuant to section 25 of  
43 P.L.1999, c.53 (C.30:4C-11.3), or no later than 12 months after  
44 placement in cases in which the court has determined that efforts to  
45 reunify the child with the parent or guardian are required. The  
46 hearing shall include, but not necessarily be limited to,  
47 consideration and evaluation of information provided by the  
48 division and other interested parties regarding such matters as those

1 listed in subsection c. of section 50 of P.L.1999, c.53 (C.30:4C-  
2 61.2).

3 (3) The court shall review the permanency plan for the child  
4 periodically, as deemed appropriate by the court, to ensure that the  
5 permanency plan is achieved.

6 c. No placement may be made or continued under this section  
7 beyond the child's eighteenth birthday without his consent.

8 d. If the parent or person legally responsible for the care of any  
9 such child or with whom such child resides receives public  
10 assistance and care, any portion of which is attributable to such  
11 child, a copy of the order of the court providing for the placement  
12 of such child from his home shall be furnished to the appropriate  
13 county welfare board, which shall reduce the public assistance and  
14 care furnished to such parent or other person by the amount  
15 attributable to such child.

16 (cf: P.L.1999, c.213, s.2)

17

18 7. Section 6 of P.L.1991, c.275 (C.30:4C-12.1) is amended to  
19 read as follows:

20 a. In any case in which the Department of Children and Families  
21 accepts a child in its care or custody, including placement, the  
22 department shall consider placement of the child with a suitable  
23 relative or person who has a kinship relationship as defined in  
24 section 2 of P.L.2001, c.250 (C.3B:12A-2). **【the】** The department  
25 shall initiate a search for relatives or persons with a kinship  
26 relationship with the child who may be willing and able to provide  
27 the care and support required by the child. The search shall be  
28 initiated within 30 days of the department's acceptance of the child  
29 in its care or custody. The search will be completed when all  
30 sources contacted have either responded to the inquiry or failed to  
31 respond within 45 days. The department shall complete an  
32 assessment of each interested relative's or person's ability to  
33 provide the care and support, including placement, required by the  
34 child.

35 b. If the department determines that the relative or person who  
36 has a kinship relationship with the child is unwilling or unable to  
37 assume the care of the child, the department shall not be required to  
38 re-evaluate the relative. The department shall inform the relative or  
39 person in writing of:

40 (1) the reasons for the department's determination;

41 (2) the responsibility of the relative or person to inform the  
42 department if there is a change in the circumstances upon which the  
43 determination was made;

44 (3) the possibility that termination of parental rights may occur  
45 if the child remains in resource family care for more than six  
46 months; and

47 (4) the right to seek review by the department of such  
48 determination.

1 c. The department may decide to pursue the termination of  
2 parental rights if the department determines that termination of  
3 parental rights is in the child's best interests.  
4 (cf: P.L.2006, c.47, s.123)

5  
6 8. Section 7 of P.L.1991, c.275 (C.30:4C-15.1) is amended to  
7 read as follows:

8 a. The division shall initiate a petition to terminate parental  
9 rights on the grounds of the "best interests of the child" pursuant to  
10 subsection (c) of section 15 of P.L.1951, c.138 (C.30:4C-15) if the  
11 following standards are met:

12 (1) The child's safety, health, or development has been or will  
13 continue to be endangered by the parental relationship;

14 (2) The parent is unwilling or unable to eliminate the harm  
15 facing the child or is unable or unwilling to provide a safe and  
16 stable home for the child and the delay of permanent placement will  
17 add to the harm. **【Such harm may include evidence that separating  
18 the child from his resource family parents would cause serious and  
19 enduring emotional or psychological harm to the child】;**

20 (3) The division has made reasonable efforts to provide services  
21 to help the parent correct the circumstances which led to the child's  
22 placement outside the home and the court has considered  
23 alternatives to termination of parental rights; and

24 (4) Termination of parental rights will not do more harm than  
25 good.

26 b. The division shall initiate a petition to terminate parental  
27 rights on the ground that the "parent has abandoned the child"  
28 pursuant to subsection (e) of section 15 of P.L.1951, c.138  
29 (C.30:4C-15) if the following standards are met:

30 (1) a court finds that for a period of six or more months:

31 (a) the parent, although able to have contact, has had no contact  
32 with the child, the child's resource family parent or the division;  
33 and

34 (b) the parent's whereabouts are unknown, notwithstanding the  
35 division's reasonable efforts to locate the parent; or

36 (2) where the identities of the parents are unknown and the  
37 division has exhausted all reasonable methods of attempting  
38 identification, the division may immediately file for termination of  
39 parental rights upon the completion of the law enforcement  
40 investigation; or

41 (3) where the parent voluntarily delivered the child to and left  
42 the child with an adult employee, or voluntarily arranged for  
43 another person to deliver the child to and leave the child with an  
44 adult employee, at a State, county or municipal police station, a fire  
45 station of a municipal, county, fire district, or volunteer fire  
46 department, the premises of a public or private ambulance, first aid,  
47 or rescue squad; or voluntarily delivered the child to and left the  
48 child at an emergency department of a licensed general hospital in

1 this State when the child is or appears to be no more than 30 days  
2 old, without expressing an intent to return for the child, as provided  
3 in section 4 of P.L.2000, c.58 (C.30:4C-15.7), the division shall file  
4 for termination of parental rights no later than 21 days after the day  
5 the division assumed care, custody and control of the child.

6 c. As used in this section and in section 15 of P.L.1951, c.138  
7 (C.30:4C-15) “reasonable efforts” mean attempts by an agency  
8 authorized by the division to assist the parents in remedying the  
9 circumstances and conditions that led to the placement of the child  
10 and in reinforcing the family structure, including, but not limited to:

11 (1) consultation and cooperation with the parent in developing a  
12 plan for appropriate services;

13 (2) providing services that have been agreed upon, to the family,  
14 in order to further the goal of family reunification;

15 (3) informing the parent at appropriate intervals of the child’s  
16 progress, development, and health; and

17 (4) facilitating appropriate visitation.

18 d. The division shall not be required to provide “reasonable  
19 efforts” as defined in subsection c. of this section prior to filing a  
20 petition for the termination of parental rights if an exception to the  
21 requirement to provide reasonable efforts to reunify the family has  
22 been established pursuant to section 25 of P.L.1999, c.53 (C.30:4C-  
23 11.3).

24 (cf: P.L.2015, c.82, s.3)

25  
26 9. This act shall take effect immediately.  
27  
28

29 STATEMENT  
30

31 This bill amends section 2 of P.L.2001, c.250 (C.3B:12A-2) to  
32 stipulate that a “caregiver” is defined as a person over the age of 18,  
33 other than the person’s parent, who has a kinship relationship with,  
34 and has been providing support services to, the child while the child  
35 has been residing in the person’s home for either the last six  
36 consecutive months or nine of the last 15 months instead of either  
37 the last 12 consecutive months or 15 of the last 22 months as  
38 currently provided by law.

39 The bill amends section 5 of P.L.2001, c.250 (C.3B-12A-5) to  
40 require that the kinship caregiver assessment included in a petition  
41 for the appointment of a kinship legal guardian is to contain a  
42 certification from a caregiver that the caregiver has been providing  
43 care and support for a child while the child has been residing in the  
44 caregiver’s home for at least the last six consecutive months of nine  
45 of the last 15 months instead of for at least the last 12 consecutive  
46 months, as currently provided by law.

47 Current law allows the court to appoint a caregiver as a kinship  
48 legal guardian, in cases in which the Division of Child Protection



1 and Permanency (DCCP) is involved with the child as provided in  
2 subsection a. of section 8 of P.L.2001, c.250 (C.30:4C-85), and  
3 based upon clear and convincing evidence, if the court finds the  
4 DCCP exercised reasonable efforts to reunify the child with the  
5 birth parents and these reunification efforts have proven  
6 unsuccessful or unnecessary and adoption of the child is neither  
7 feasible nor likely.

8 The bill amends section 6 of P.L.2001, c.250 (C.3B:12A-6) to  
9 remove the requirement that, in cases in which the DCCP is  
10 involved with a child, the court needs to find that the adoption of  
11 the child is neither feasible nor likely in order to appoint a caregiver  
12 as a kinship legal guardian.

13 The bill also amends sections 10, 11, and 34 of P.L.1974, c.119  
14 (C.9:6-8.30), (C.9:6-8.31), and (C.9:6-8.54), respectively, to require  
15 the court or the Division of Child Protection and Permanency  
16 (DCCP) to make reasonable efforts to place the child with a suitable  
17 relative or person who has a kinship relationship as defined in  
18 section 2 of P.L.2001, c.250 (C.3B:12A-2) prior to placing the child  
19 with another suitable person when: (1) the DCCP is informed that  
20 there has been an emergency removal of a child from the child's  
21 home; (2) the court finds that a child's continued removal is  
22 necessary to avoid an ongoing risk to the child's life, safety, or  
23 health; or (3) the court places a child with a relative, other suitable  
24 person, or the DCCP for placement, upon a finding that the DCCP  
25 has made reasonable efforts to prevent a child's placement or that  
26 reasonable efforts to prevent placement is not required.

27 The bill amends section 6 of P.L.1991, c.275 (C.30:4C-12.1) to  
28 require that in any case in which the Department of Children and  
29 Families (DCF) accepts a child in its care or custody, including  
30 placement, the DCF is to consider placement of the child with a  
31 suitable relative or person who has a kinship relationship.

32 The bill further amends section 6 of P.L.1991, c.275 (C.30:4C-  
33 12.1) to require the DCF initiate a search for persons with a kinship  
34 relationship with the child who may be willing to provide care and  
35 support to the child and assess their ability to provide the care and  
36 support, including placement, required by the child.

37 If it is determined that a person with a kinship relationship is  
38 unwilling or unable to assume the care of the child, the DCF is to  
39 inform the person of its determination, the person's responsibility if  
40 there is a change in circumstances upon which the DCF made its  
41 determination, the person's right to seek review of the DCF's  
42 determination, and the possibility of that termination of parental  
43 rights may occur if the child remains in resource family care for  
44 more than six months.

45 Under current law, the DCF is required to initiate a search for  
46 relatives of a child who may be willing to provide care and support,  
47 including placement, to that child, assess their ability to provide  
48 that care and support to the child, and if a determination is made

**S3814 MADDEN**

13

1 that he relative is unwilling or unable to assume care of the child,  
2 inform the person of its determination and provide the relative with  
3 other information as necessary by law. The DCF is not required to  
4 follow such procedures for persons who have a kinship relationship  
5 with the child.

6 The provisions of section 15 of P.L.1951, c.138 (C.30:4C-15)  
7 stipulate that a petition to terminate parental rights can be initiated  
8 on the grounds of the “best interests of the child” if the parent is  
9 unwilling or unable to eliminate the harm facing a child or is unable  
10 or unwilling to provide a safe and stable home for the child and the  
11 delay of permanent placement will add to the harm. Under this  
12 standard, such harm may include evidence that separating a child  
13 from the child’s resource family parents would cause serious and  
14 enduring emotional or psychological harm to the child.

15 The bill amends section 7 of P.L.1991, c.275 (C30:4C-15.1) to  
16 eliminate the provision that allows evidence that separating a child  
17 from the child’s resource family parents would cause serious and  
18 enduring emotional or psychological harm to the child to be used in  
19 initiating a petition to terminate parental rights.

SENATE HEALTH, HUMAN SERVICES AND SENIOR  
CITIZENS COMMITTEE

STATEMENT TO  
**SENATE, No. 3814**

with committee amendments

**STATE OF NEW JERSEY**

DATED: JUNE 10, 2021

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments Senate Bill No. 3814.

As amended, this bill amends section 2 of P.L.2001, c.250 (C.3B:12A-2) to stipulate that a “caregiver” is defined as a person over the age of 18, other than the person’s parent, who has a kinship relationship with, and has been providing support services to, the child while the child has been residing in the person’s home for either the last six consecutive months or nine of the last 15 months instead of either the last 12 consecutive months or 15 of the last 22 months as currently provided by law.

The bill amends section 5 of P.L.2001, c.250 (C.3B-12A-5) to require that the kinship caregiver assessment included in a petition for the appointment of a kinship legal guardian is to contain a certification from a caregiver that the caregiver has been providing care and support for a child while the child has been residing in the caregiver’s home for at least the last six consecutive months of nine of the last 15 months instead of for at least the last 12 consecutive months, as currently provided by law.

Current law allows the court to appoint a caregiver as a kinship legal guardian, in cases in which the Division of Child Protection and Permanency (DCCP) is involved with the child as provided in subsection a. of section 8 of P.L.2001, c.250 (C.30:4C-85), and based upon clear and convincing evidence, if the court finds the DCCP exercised reasonable efforts to reunify the child with the birth parents and these reunification efforts have proven unsuccessful or unnecessary and adoption of the child is neither feasible nor likely.

The bill amends section 6 of P.L.2001, c.250 (C.3B:12A-6) to remove the requirement that, in cases in which the DCCP is involved with a child, the court needs to find that the adoption of the child is neither feasible nor likely in order to appoint a caregiver as a kinship legal guardian.

The bill also amends sections 10, 11, and 34 of P.L.1974, c.119 (C.9:6-8.30), (C.9:6-8.31), and (C.9:6-8.54), respectively, to require

the court or the Division of Child Protection and Permanency (DCCP) to first make reasonable efforts to place the child with a suitable relative or person who has a kinship relationship as defined in section 2 of P.L.2001, c.250 (C.3B:12A-2) prior to placing the child with another suitable person when: (1) the DCCP is informed that there has been an emergency removal of a child from the child's home; (2) the court finds that a child's continued removal is necessary to avoid an ongoing risk to the child's life, safety, or health; or (3) the court places a child with a relative, other suitable person, or the DCCP for placement, upon a finding that the DCCP has made reasonable efforts to prevent a child's placement or that reasonable efforts to prevent placement is not required.

The bill amends section 6 of P.L.1991, c.275 (C.30:4C-12.1) to require that in any case in which the Department of Children and Families (DCF) accepts a child in its care or custody, including placement, the DCF is to consider placement of the child with a suitable relative or person who has a kinship relationship.

The bill further amends section 6 of P.L.1991, c.275 (C.30:4C-12.1) to require the DCF initiate a search for persons with a kinship relationship with the child who may be willing to provide care and support to the child and assess their ability to provide the care and support, including placement, required by the child.

If it is determined that a person with a kinship relationship is unwilling or unable to assume the care of the child, the DCF is to inform the person of its determination, the person's responsibility if there is a change in circumstances upon which the DCF made its determination, the person's right to seek review of the DCF's determination, and the possibility of that termination of parental rights may occur if the child remains in resource family care for more than six months.

Under current law, the DCF is required to initiate a search for relatives of a child who may be willing to provide care and support, including placement, to that child, assess their ability to provide that care and support to the child, and if a determination is made that he relative is unwilling or unable to assume care of the child, inform the person of its determination and provide the relative with other information as necessary by law. The DCF is not required to follow such procedures for persons who have a kinship relationship with the child.

The provisions of section 15 of P.L.1951, c.138 (C.30:4C-15) stipulate that a petition to terminate parental rights can be initiated on the grounds of the "best interests of the child" if the parent is unwilling or unable to eliminate the harm facing a child or is unable or unwilling to provide a safe and stable home for the child and the delay of permanent placement will add to the harm. Under this standard, such harm may include evidence that separating a child from the child's

resource family parents would cause serious and enduring emotional or psychological harm to the child.

The bill amends section 7 of P.L.1991, c.275 (C.30:4C-15.1) to eliminate the provision that allows evidence that separating a child from the child's resource family parents would cause serious and enduring emotional or psychological harm to the child to be used in initiating a petition to terminate parental rights.

COMMITTEE AMENDMENTS:

The committee amendments add a statement of legislative findings and declarations to the bill.

The committee amendments also clarify that the court is required to first consider placement of a child with a suitable relative or person who has a kinship relationship as defined in section 2 of P.L.2001, c.250 (C.3B:12A-2), when considering if the child should be placed in the custody of another suitable person.

# ASSEMBLY, No. 5598

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MAY 12, 2021

**Sponsored by:**

**Assemblyman HERB CONAWAY, JR.**

**District 7 (Burlington)**

**Assemblywoman GABRIELA M. MOSQUERA**

**District 4 (Camden and Gloucester)**

**Assemblyman P. CHRISTOPHER TULLY**

**District 38 (Bergen and Passaic)**

**Co-Sponsored by:**

**Assemblywoman Vainieri Huttle, Assemblyman Stanley and  
Assemblywoman Swain**

**SYNOPSIS**

Requires DCF or court to consider placement of children with relatives or kinship guardians when making placement decision; makes changes to certain standards for initiating petitions to terminate parental rights.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/20/2021)**

1 AN ACT concerning child protective services and amending various  
2 parts of the statutory law.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. Section 2 of P.L.2001, c.250 (C.3B:12A-2) is amended to  
8 read as follows:

9 2. As used in sections 1 through 6 of P.L.2001, c.250  
10 (C.3B:12A-1 et seq.):

11 “Caregiver” means a person over 18 years of age, other than a  
12 child’s parent, who has a kinship relationship with the child and has  
13 been providing care and support for the child, while the child has  
14 been residing in the caregiver’s home, for either the last **[12**  
15 **consecutive months or 15 of the last 22]** six consecutive months or  
16 nine of the last 15 months. “Caregiver” includes a resource family  
17 parent as defined in section 1 of P.L.1962, c.136 (C.30:4C-26.4).

18 “Child” means a person under 18 years of age, except as  
19 otherwise provided in P.L.2001, c.250 (C.3B:12A-1 et al.).

20 “Commissioner” means the Commissioner of Children and  
21 Families.

22 “Court” means the Superior Court, Chancery Division, Family  
23 Part.

24 “Department” means the Department of Children and Families.

25 “Division” means the Division of Child Protection and  
26 Permanency in the Department of Children and Families.

27 “Family friend” means a person who is connected to a child or  
28 the child’s parent by an established positive psychological or  
29 emotional relationship that is not a biological or legal relationship.

30 “Home review” means the basic review of the information  
31 provided by the petitioner and a visit to the petitioner’s home where  
32 the child will continue to reside, in accordance with the provisions  
33 of P.L.2001, c.250 (C.3B:12A-1 et al.) and pursuant to regulations  
34 adopted by the commissioner.

35 “Kinship caregiver assessment” means a written report prepared  
36 in accordance with the provisions of P.L.2001, c.250 (C.3B:12A-1  
37 et al.) and pursuant to regulations adopted by the commissioner.

38 “Kinship legal guardian” means a caregiver who is willing to  
39 assume care of a child due to parental incapacity, with the intent to  
40 raise the child to adulthood, and who is appointed the kinship legal  
41 guardian of the child by the court pursuant to P.L.2001, c.250  
42 (C.3B:12A-1 et al.). A kinship legal guardian shall be responsible  
43 for the care and protection of the child and for providing for the  
44 child’s health, education and maintenance.

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1       “Kinship relationship” means a family friend or a person with a  
2 biological or legal relationship with the child.

3       “Parental incapacity” means incapacity of such a serious nature  
4 as to demonstrate that the parent is unable, unavailable, or unwilling  
5 to perform the regular and expected functions of care and support of  
6 the child.

7 (cf: P.L.2006; 2012, c.16, s.13)

8

9       2. Section 5 of P.L.2001, c.250 (C.3B:12A-5) is amended to  
10 read as follows:

11       5. a. Upon petition of a caregiver, the court may appoint the  
12 caregiver as kinship legal guardian of a child residing in the  
13 caregiver’s home pursuant to the provisions of P.L. 2001, c. 250 (C.  
14 3B:12A-1 et al.).

15       b. A petition for the appointment of a kinship legal guardian  
16 shall include a kinship caregiver assessment, which shall contain:

17       (1) the full name and address of the person seeking to become  
18 the kinship legal guardian;

19       (2) the circumstances of the kinship relationship;

20       (3) the whereabouts of the child’s parents, if known;

21       (4) the nature of the parents’ incapacitation, if known;

22       (5) the wishes of the parents, if known;

23       (6) the ability of the kinship caregiver family to assume  
24 permanent care of the child;

25       (7) the child’s property and assets, if known;

26       (8) the wishes of the child, if appropriate;

27       (9) any current involvement of a child with the division if the  
28 child has an open division case and is actively receiving services;

29       (10) certification from the caregiver that the caregiver has been  
30 providing care and support for the child, while the child has been  
31 residing in the caregiver’s home, for at least the last **[12**  
32 **consecutive]** six consecutive months or nine of the last 15 months;

33       (11) the results from a criminal history record background check  
34 and a domestic violence central registry check of the caregiver and  
35 any adult residing in the caregiver’s household conducted pursuant  
36 to section 9 of P.L. 2001, c. 250 (C. 30:4C-86);

37       (12) the results from a child abuse record check arranged for and  
38 coordinated by the division pursuant to section 9 of P.L. 2001, c.  
39 250 (C. 30:4C-86); and

40       (13) the results of the caregiver’s home review.

41 (cf: P.L.2001, c.250, s.5)

42

43       3. Section 6 of P.L.2001, c.250 (C.3B:12A-6) is amended to  
44 read as follows:

45       6. a. In making its determination about whether to appoint the  
46 caregiver as kinship legal guardian, the court shall consider:

47       (1) if proper notice was provided to the child’s parents;

48       (2) the best interests of the child;



- 1 (3) the kinship caregiver assessment;
- 2 (4) in cases in which the division is involved with the child as  
3 provided in subsection a. of section 8 of P.L.2001, c.250 (C.30:4C-  
4 85), the recommendation of the division, including any parenting  
5 time or visitation restrictions;
- 6 (5) the potential kinship legal guardian's ability to provide a safe  
7 and permanent home for the child;
- 8 (6) the wishes of the child's parents, if known to the court;
- 9 (7) the wishes of the child if the child is 12 years of age or older,  
10 unless unique circumstances exist that make the child's age  
11 irrelevant;
- 12 (8) the suitability of the kinship caregiver and the caregiver's  
13 family to raise the child;
- 14 (9) the ability of the kinship caregiver to assume full legal  
15 responsibility for the child;
- 16 (10) the commitment of the kinship caregiver and the caregiver's  
17 family to raise the child to adulthood;
- 18 (11) the results from the child abuse record check conducted  
19 pursuant to section 9 of P.L.2001, c.250 (C.30:4C-86); and
- 20 (12) the results from the criminal history record background  
21 check and domestic violence check conducted pursuant to section 9  
22 of P.L.2001, c.250 (C.30:4C-86). In any case in which the caregiver  
23 petitioning for kinship legal guardianship, or any adult residing in  
24 the prospective caregiver's home, has a record of criminal history  
25 or a record of being subjected to a final domestic violence  
26 restraining order under P.L.1991, c.261 (C.2C:25-17 et seq.), the  
27 court shall review the record with respect to the type and date of the  
28 criminal offense or the provisions and date of the final domestic  
29 violence restraining order and make a determination as to the  
30 suitability of the person to become a kinship legal guardian. For the  
31 purposes of this paragraph, with respect to criminal history, the  
32 court shall consider convictions for offenses specified in  
33 subsections c., d. and e. of section 1 of P.L.1985, c.396 (C.30:4C-  
34 26.8).
- 35 b. The court shall not award kinship legal guardianship of the  
36 child unless proper notice was served upon the parents of the child  
37 and any other party to whom the court has awarded custody or  
38 parenting time for that child, in accordance with the Rules of Court.
- 39 c. The court shall not award kinship legal guardianship of the  
40 child solely because of parental incapacity.
- 41 d. The court shall appoint the caregiver as a kinship legal  
42 guardian if, based upon clear and convincing evidence, the court  
43 finds that:
  - 44 (1) each parent's incapacity is of such a serious nature as to  
45 demonstrate that the parents are unable, unavailable or unwilling to  
46 perform the regular and expected functions of care and support of  
47 the child;

1 (2) the parents' inability to perform those functions is unlikely to  
2 change in the foreseeable future;

3 (3) in cases in which the division is involved with the child as  
4 provided in subsection a. of section 8 of P.L.2001, c.250 (C.30:4C-  
5 85), **[(a)]** the division exercised reasonable efforts to reunify the  
6 child with the birth parents and these reunification efforts have  
7 proven unsuccessful or unnecessary; **[and (b) adoption of the child**  
8 **is neither feasible nor likely;]** (Deleted by amendment,  
9 P.L. c. (C. ) (pending before the Legislature as this bill)  
10 and

11 (4) awarding kinship legal guardianship is in the child's best  
12 interests.

13 e. The court order appointing the kinship legal guardian shall  
14 specify, as appropriate, that:

15 (1) a kinship legal guardian shall have the same rights,  
16 responsibilities and authority relating to the child as a birth parent,  
17 including, but not limited to: making decisions concerning the  
18 child's care and well-being; consenting to routine and emergency  
19 medical and mental health needs; arranging and consenting to  
20 educational plans for the child; applying for financial assistance and  
21 social services for which the child is eligible; applying for a motor  
22 vehicle operator's license; applying for admission to college;  
23 responsibility for activities necessary to ensure the child's safety,  
24 permanency and well-being; and ensuring the maintenance and  
25 protection of the child; except that a kinship legal guardian may not  
26 consent to the adoption of the child or a name change for the child;

27 (2) the birth parent of the child retains the authority to consent to  
28 the adoption of the child or a name change for the child;

29 (3) the birth parent of the child retains the obligation to pay child  
30 support;

31 (4) the birth parent of the child retains the right to visitation or  
32 parenting time with the child, as determined by the court;

33 (5) the appointment of a kinship legal guardian does not limit or  
34 terminate any rights or benefits derived from the child's parents,  
35 including, but not limited to, those relating to inheritance or  
36 eligibility for benefits or insurance; and

37 (6) kinship legal guardianship terminates when the child reaches  
38 18 years of age or when the child is no longer continuously enrolled  
39 in a secondary education program, whichever event occurs later, or  
40 when kinship legal guardianship is otherwise terminated.

41 f. An order or judgment awarding kinship legal guardianship  
42 may be vacated by the court prior to the child's 18th birthday if the  
43 court finds that the kinship legal guardianship is no longer in the  
44 best interests of the child or, in cases where there is an application  
45 to return the child to the parent, based upon clear and convincing  
46 evidence, the court finds that the parental incapacity or inability to  
47 care for the child that led to the original award of kinship legal

1 guardianship is no longer the case and termination of kinship legal  
2 guardianship is in the child's best interests.

3 In cases in which the division was involved, when determining  
4 whether a child should be returned to a parent, the court may refer a  
5 parent for an assessment prepared by the division, in accordance  
6 with regulations adopted by the commissioner.

7 g. An order or judgment awarding kinship legal guardianship  
8 may be vacated by the court if, based upon clear and convincing  
9 evidence, the court finds that the guardian failed or is unable,  
10 unavailable or unwilling to provide proper care and custody of the  
11 child, or that the guardianship is no longer in the child's best  
12 interests.

13 (cf: P.L.2006, c.47, s.32)

14

15 4. Section 10 of P.L.1974, c.119 (C.9:6-8.30) is amended to  
16 read as follows:

17 10. a. The division, when informed that there has been an  
18 emergency removal of a child from his home without court order,  
19 shall make every reasonable effort to communicate immediately  
20 with the child's parent or guardian that such emergency removal has  
21 been made and the location of the facility to which the child has  
22 been taken, and advise the parent or guardian to appear in the  
23 appropriate Superior Court, Chancery Division, Family Part within  
24 two court days.

25 The division shall make a reasonable effort, at least 24 hours  
26 prior to the court hearing, to:

27 notify the parent or guardian of the time to appear in court; and  
28 inform the parent or guardian of his right to obtain counsel, and  
29 how to obtain counsel through the Office of the Public Defender if  
30 the parent or guardian is indigent.

31 The division shall also advise the party making the removal to  
32 appear. If the removed child is returned to his home prior to the  
33 court hearing, there shall be no court hearing to determine the  
34 sufficiency of cause for the child's removal, unless the child's  
35 parent or guardian makes application to the court for review.

36 The division shall make reasonable efforts to place the child with  
37 a suitable relative or person who has a kinship relationship as  
38 defined in section 2 of P.L.2001, c.250 (C.3B:12A-2) prior to  
39 placing the child with another suitable person.

40 For the purposes of this section, "facility" means a hospital,  
41 shelter or child care institution in which a child may be placed for  
42 temporary care, but does not include a resource family home.

43 b. The division shall cause a complaint to be filed under this act  
44 within two court days after such removal takes place.

45 c. Whenever a child has been removed pursuant to section 7 or 9  
46 of P.L.1974, c.119 (C.9:6-8.27 or 9:6-8.29), the division shall  
47 arrange for immediate medical screening of the child and shall have  
48 legal authority to consent to such screening. If necessary to

1 safeguard the child's health or life, the division also is authorized to  
2 arrange for and consent to medical care or treatment of the child.  
3 Consent by the division pursuant to this subsection shall be deemed  
4 legal and valid for all purposes with respect to any person, hospital,  
5 or other health care facility screening, examining or providing care  
6 or treatment to a child in accordance with and in reliance upon such  
7 consent. Medical reports resulting from such screening,  
8 examination or care or treatment shall be released to the division for  
9 the purpose of aiding in the determination of whether the child has  
10 been abused or neglected. Any person or health care facility acting  
11 in good faith in the screening of, examination of or provision of  
12 care and treatment to a child or in the release of medical records  
13 shall have immunity from any liability, civil or criminal, that might  
14 otherwise be incurred or imposed as a result of such act.  
15 (cf: P.L.2006, c.47, s.49)

16

17 5. Section 11 P.L.1974, c.119 (C.9:6-8.31) is amended to read  
18 as follows:

19 11. a. In any case where the child has been removed without  
20 court order, except where action has been taken pursuant to  
21 P.L.1973, c.147 (C.9:6-8.16 et seq.) the Superior Court, Chancery  
22 Division, Family Part shall hold a hearing on the next court day,  
23 whereby the safety of the child shall be of paramount concern, to  
24 determine whether the child's interests require protection pending a  
25 final order of disposition. In any other case under P.L.1974, c.119  
26 (C.9:6-8.21 et seq.), any person who may originate a proceeding  
27 may apply for, or the court, on its own motion, may order a hearing  
28 at any time after the complaint is filed to determine, with the safety  
29 of the child of paramount concern, whether the child's interests  
30 require protection pending a final order of disposition.

31 b. Upon such hearing, if the court finds that continued removal  
32 is necessary to avoid an ongoing risk to the child's life, safety, or  
33 health, it shall affirm the removal of the child to an appropriate  
34 place or place him in the custody of a suitable person.

35 The court shall also consider placement of the child with a  
36 suitable relative or person who has a kinship relationship as defined  
37 in section 2 of P.L.2001, c.250 (C.3B:12A-2), when considering if  
38 the child should be placed in the custody of a suitable person.

39 If the court determines that removal of the child by a physician,  
40 police officer, designated employee of the Probation Division, or  
41 designated employee of the Division of Child Protection and  
42 Permanency was necessary due to imminent danger to the child's  
43 life, safety, or health, the court shall find that the Division of Child  
44 Protection and Permanency was not required to provide reasonable  
45 efforts to prevent placement of the child in accordance with section  
46 24 of P.L.1999, c.53 (C.30:4C-11.2).

47 c. Upon such hearing the court may, for good cause shown,  
48 issue a preliminary order of protection which may contain any of

1 the provisions authorized on the making of an order of protection  
2 under section 35 of P.L.1974, c.119 (C.9:6-8.55).

3 d. Upon such hearing, the court may, for good cause shown,  
4 release the child to the custody of his parent or guardian from  
5 whose custody or care the child was removed, pending a final order  
6 of disposition, in accord with section 33 of P.L.1974, c.119 (C.9:6-  
7 8.53).

8 e. Upon such hearing, the court may authorize a physician or  
9 hospital to provide medical or surgical procedures if such  
10 procedures are necessary to safeguard the child's life or health.

11 f. If the court grants or denies a preliminary order requested  
12 pursuant to this section, it shall state the grounds for such decision.

13 g. In all cases involving abuse or neglect the court shall order an  
14 examination of the child by a physician appointed or designated for  
15 the purpose by the division. As part of such examination, the  
16 physician shall arrange to have color photographs taken as soon as  
17 practical of any areas of trauma visible on such child and may if  
18 indicated, arrange to have a radiological examination performed on  
19 the child. The physician, on the completion of such examination,  
20 shall forward the results thereof together with the color photographs  
21 to the court ordering such examination.

22 (cf: P.L.2012, c.16, s.33)

23

24 6. Section 34 of P.L.1974, c. 119 (C.9:6-8.54) is amended to  
25 read as follows:

26 34. a. For the purpose of section 31 of P.L.1974, c.119 (C.9:6-  
27 8.51), the court may place the child in the custody of a relative or  
28 other suitable person or the division for the placement of a child  
29 after a finding that the division has made reasonable efforts to  
30 prevent placement or that reasonable efforts to prevent placement  
31 were not required in accordance with section 24 of P.L.1999, c.53  
32 (C.30:4C-11.2). The court shall also consider placement of the  
33 child with a suitable relative or person who has a kinship  
34 relationship as defined in section 2 of P.L.2001, c.250 (C.3B:12A-  
35 2), when considering if the child should be placed in the custody of  
36 another suitable person.

37 b. (1) Placements under this section may be for an initial period  
38 of 12 months and the court, in its discretion, may at the expiration  
39 of that period, upon a hearing make successive extensions for  
40 additional periods of up to one year each. The court on its own  
41 motion may, at the conclusion of any period of placement, hold a  
42 hearing concerning the need for continuing the placement.

43 (2) The court shall conduct a permanency hearing for the child  
44 no later than 30 days after placement in cases in which the court has  
45 determined that reasonable efforts to reunify the child with the  
46 parent or guardian are not required pursuant to section 25 of  
47 P.L.1999, c.53 (C.30:4C-11.3), or no later than 12 months after  
48 placement in cases in which the court has determined that efforts to

1 reunify the child with the parent or guardian are required. The  
2 hearing shall include, but not necessarily be limited to,  
3 consideration and evaluation of information provided by the  
4 division and other interested parties regarding such matters as those  
5 listed in subsection c. of section 50 of P.L.1999, c.53 (C.30:4C-  
6 61.2).

7 (3) The court shall review the permanency plan for the child  
8 periodically, as deemed appropriate by the court, to ensure that the  
9 permanency plan is achieved.

10 c. No placement may be made or continued under this section  
11 beyond the child's eighteenth birthday without his consent.

12 d. If the parent or person legally responsible for the care of any  
13 such child or with whom such child resides receives public  
14 assistance and care, any portion of which is attributable to such  
15 child, a copy of the order of the court providing for the placement  
16 of such child from his home shall be furnished to the appropriate  
17 county welfare board, which shall reduce the public assistance and  
18 care furnished to such parent or other person by the amount  
19 attributable to such child.

20 (cf: P.L.1999, c.213, s.2)

21

22 7. Section 6 of P.L.1991, c.275 (C.30:4C-12.1) is amended to  
23 read as follows:

24 6. a. In any case in which the Department of Children and  
25 Families accepts a child in its care or custody, including placement,  
26 the department shall consider placement of the child with a suitable  
27 relative or person who has a kinship relationship as defined in  
28 section 2 of P.L.2001, c.250 (C.3B:12A-2). **【the】** The department  
29 shall initiate a search for relatives or persons with a kinship  
30 relationship with the child who may be willing and able to provide  
31 the care and support required by the child. The search shall be  
32 initiated within 30 days of the department's acceptance of the child  
33 in its care or custody. The search will be completed when all  
34 sources contacted have either responded to the inquiry or failed to  
35 respond within 45 days. The department shall complete an  
36 assessment of each interested relative's or person's ability to  
37 provide the care and support, including placement, required by the  
38 child.

39 b. If the department determines that the relative or person who  
40 has a kinship relationship with the child is unwilling or unable to  
41 assume the care of the child, the department shall not be required to  
42 re-evaluate the relative. The department shall inform the relative or  
43 person in writing of:

44 (1) the reasons for the department's determination;

45 (2) the responsibility of the relative or person to inform the  
46 department if there is a change in the circumstances upon which the  
47 determination was made;

1 (3) the possibility that termination of parental rights may occur if  
2 the child remains in resource family care for more than six months;  
3 and

4 (4) the right to seek review by the department of such  
5 determination.

6 c. The department may decide to pursue the termination of  
7 parental rights if the department determines that termination of  
8 parental rights is in the child's best interests.

9 (cf: P.L.2006, c.47, s.123)

10

11 8. Section 7 of P.L.1991, c.275 (C.30:4C-15.1) is amended to  
12 read as follows:

13 7. a. The division shall initiate a petition to terminate parental  
14 rights on the grounds of the "best interests of the child" pursuant to  
15 subsection (c) of section 15 of P.L.1951, c.138 (C.30:4C-15) if the  
16 following standards are met:

17 (1) The child's safety, health, or development has been or will  
18 continue to be endangered by the parental relationship;

19 (2) The parent is unwilling or unable to eliminate the harm  
20 facing the child or is unable or unwilling to provide a safe and  
21 stable home for the child and the delay of permanent placement will  
22 add to the harm. **Such harm may include evidence that separating**  
23 **the child from his resource family parents would cause serious and**  
24 **enduring emotional or psychological harm to the child**;

25 (3) The division has made reasonable efforts to provide services  
26 to help the parent correct the circumstances which led to the child's  
27 placement outside the home and the court has considered  
28 alternatives to termination of parental rights; and

29 (4) Termination of parental rights will not do more harm than  
30 good.

31 b. The division shall initiate a petition to terminate parental  
32 rights on the ground that the "parent has abandoned the child"  
33 pursuant to subsection (e) of section 15 of P.L.1951, c.138  
34 (C.30:4C-15) if the following standards are met:

35 (1) a court finds that for a period of six or more months:

36 (a) the parent, although able to have contact, has had no contact  
37 with the child, the child's resource family parent or the division;  
38 and

39 (b) the parent's whereabouts are unknown, notwithstanding the  
40 division's reasonable efforts to locate the parent; or

41 (2) where the identities of the parents are unknown and the  
42 division has exhausted all reasonable methods of attempting  
43 identification, the division may immediately file for termination of  
44 parental rights upon the completion of the law enforcement  
45 investigation; or

46 (3) where the parent voluntarily delivered the child to and left  
47 the child with an adult employee, or voluntarily arranged for  
48 another person to deliver the child to and leave the child with an

1 adult employee, at a State, county or municipal police station, a fire  
2 station of a municipal, county, fire district, or volunteer fire  
3 department, the premises of a public or private ambulance, first aid,  
4 or rescue squad; or voluntarily delivered the child to and left the  
5 child at an emergency department of a licensed general hospital in  
6 this State when the child is or appears to be no more than 30 days  
7 old, without expressing an intent to return for the child, as provided  
8 in section 4 of P.L.2000, c.58 (C.30:4C-15.7), the division shall file  
9 for termination of parental rights no later than 21 days after the day  
10 the division assumed care, custody and control of the child.

11 c. As used in this section and in section 15 of P.L.1951, c.138  
12 (C.30:4C-15) “reasonable efforts” mean attempts by an agency  
13 authorized by the division to assist the parents in remedying the  
14 circumstances and conditions that led to the placement of the child  
15 and in reinforcing the family structure, including, but not limited to:

16 (1) consultation and cooperation with the parent in developing a  
17 plan for appropriate services;

18 (2) providing services that have been agreed upon, to the family,  
19 in order to further the goal of family reunification;

20 (3) informing the parent at appropriate intervals of the child’s  
21 progress, development, and health; and

22 (4) facilitating appropriate visitation.

23 d. The division shall not be required to provide “reasonable  
24 efforts” as defined in subsection c. of this section prior to filing a  
25 petition for the termination of parental rights if an exception to the  
26 requirement to provide reasonable efforts to reunify the family has  
27 been established pursuant to section 25 of P.L.1999, c.53 (C.30:4C-  
28 11.3).

29 (cf: P.L.2015, c.82, s.3)

30

31 9. This act shall take effect immediately.

32

33

34

#### STATEMENT

35

36 This bill amends section 2 of P.L.2001, c.250 (C.3B:12A-2) to  
37 stipulate that a “caregiver” is defined as a person over the age of 18,  
38 other than the person’s parent, who has a kinship relationship with,  
39 and has been providing support services to, the child while the child  
40 has been residing in the person’s home for either the last six  
41 consecutive months or nine of the last 15 months instead of either  
42 the last 12 consecutive months or 15 of the last 22 months as  
43 currently provided by law.

44 The bill amends section 5 of P.L.2001, c.250 (C.3B-12A-5) to  
45 require that the kinship caregiver assessment included in a petition  
46 for the appointment of a kinship legal guardian is to contain a  
47 certification from a caregiver that the caregiver has been providing  
48 care and support for a child while the child has been residing in the



1 caregiver's home for at least the last six consecutive months of nine  
2 of the last 15 months instead of for at least the last 12 consecutive  
3 months, as currently provided by law.

4 Current law allows the court to appoint a caregiver as a kinship  
5 legal guardian, in cases in which the Division of Child Protection  
6 and Permanency (DCCP) is involved with the child as provided in  
7 subsection a. of section 8 of P.L.2001, c.250 (C.30:4C-85), and  
8 based upon clear and convincing evidence, if the court finds the  
9 DCCP exercised reasonable efforts to reunify the child with the  
10 birth parents and these reunification efforts have proven  
11 unsuccessful or unnecessary and adoption of the child is neither  
12 feasible nor likely.

13 The bill amends section 6 of P.L.2001, c.250 (C.3B:12A-6) to  
14 remove the requirement that, in cases in which the DCCP is  
15 involved with a child, the court needs to find that the adoption of  
16 the child is neither feasible nor likely in order to appoint a caregiver  
17 as a kinship legal guardian.

18 The bill also amends sections 10, 11, and 34 of P.L.1974, c.119  
19 (C.9:6-8.30), (C.9:6-8.31), and (C.9:6-8.54), respectively, to require  
20 the court or the Division of Child Protection and Permanency  
21 (DCCP) to make reasonable efforts to place the child with a suitable  
22 relative or person who has a kinship relationship as defined in  
23 section 2 of P.L.2001, c.250 (C.3B:12A-2) prior to placing the child  
24 with another suitable person when: (1) the DCCP is informed that  
25 there has been an emergency removal of a child from the child's  
26 home; (2) the court finds that a child's continued removal is  
27 necessary to avoid an ongoing risk to the child's life, safety, or  
28 health; or (3) the court places a child with a relative, other suitable  
29 person, or the DCCP for placement, upon a finding that the DCCP  
30 has made reasonable efforts to prevent a child's placement or that  
31 reasonable efforts to prevent placement is not required.

32 The bill amends section 6 of P.L.1991, c.275 (C.30:4C-12.1) to  
33 require that in any case in which the Department of Children and  
34 Families (DCF) accepts a child in its care or custody, including  
35 placement, the DCF is to consider placement of the child with a  
36 suitable relative or person who has a kinship relationship.

37 The bill further amends section 6 of P.L.1991, c.275 (C.30:4C-  
38 12.1) to require the DCF initiate a search for persons with a kinship  
39 relationship with the child who may be willing to provide care and  
40 support to the child and assess their ability to provide the care and  
41 support, including placement, required by the child.

42 If it is determined that a person with a kinship relationship is  
43 unwilling or unable to assume the care of the child, the DCF is to  
44 inform the person of its determination, the person's responsibility if  
45 there is a change in circumstances upon which the DCF made its  
46 determination, the person's right to seek review of the DCF's  
47 determination, and the possibility of that termination of parental

1 rights may occur if the child remains in resource family care for  
2 more than six months.

3 Under current law, the DCF is required to initiate a search for  
4 relatives of a child who may be willing to provide care and support,  
5 including placement, to that child, assess their ability to provide  
6 that care and support to the child, and if a determination is made  
7 that he relative is unwilling or unable to assume care of the child,  
8 inform the person of its determination and provide the relative with  
9 other information as necessary by law. The DCF is not required to  
10 follow such procedures for persons who have a kinship relationship  
11 with the child.

12 The provisions of section 15 of P.L.1951, c.138 (C.30:4C-15)  
13 stipulate that a petition to terminate parental rights can be initiated  
14 on the grounds of the “best interests of the child” if the parent is  
15 unwilling or unable to eliminate the harm facing a child or is unable  
16 or unwilling to provide a safe and stable home for the child and the  
17 delay of permanent placement will add to the harm. Under this  
18 standard, such harm may include evidence that separating a child  
19 from the child’s resource family parents would cause serious and  
20 enduring emotional or psychological harm to the child.

21 The bill amends section 7 of P.L.1991, c.275 (C30:4C-15.1) to  
22 eliminate the provision that allows evidence that separating a child  
23 from the child’s resource family parents would cause serious and  
24 enduring emotional or psychological harm to the child to be used in  
25 initiating a petition to terminate parental rights.

# ASSEMBLY HEALTH COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 5598

# STATE OF NEW JERSEY

DATED: MAY 17, 2021

The Assembly Health Committee reports favorably Assembly Bill No. 5598.

This bill amends section 2 of P.L.2001, c.250 (C.3B:12A-2) to stipulate that a “caregiver” is defined as a person over the age of 18, other than the person’s parent, who has a kinship relationship with, and has been providing support services to, the child while the child has been residing in the person’s home for either the last six consecutive months or nine of the last 15 months instead of either the last 12 consecutive months or 15 of the last 22 months as currently provided by law.

The bill amends section 5 of P.L.2001, c.250 (C.3B-12A-5) to require that the kinship caregiver assessment included in a petition for the appointment of a kinship legal guardian is to contain a certification from a caregiver that the caregiver has been providing care and support for a child while the child has been residing in the caregiver’s home for at least the last six consecutive months of nine of the last 15 months instead of for at least the last 12 consecutive months, as currently provided by law.

Current law allows the court to appoint a caregiver as a kinship legal guardian, in cases in which the Division of Child Protection and Permanency (DCCP) is involved with the child as provided in subsection a. of section 8 of P.L.2001, c.250 (C.30:4C-85), and based upon clear and convincing evidence, if the court finds the DCCP exercised reasonable efforts to reunify the child with the birth parents and these reunification efforts have proven unsuccessful or unnecessary and adoption of the child is neither feasible nor likely.

The bill amends section 6 of P.L.2001, c.250 (C.3B:12A-6) to remove the requirement that, in cases in which the DCCP is involved with a child, the court needs to find that the adoption of the child is neither feasible nor likely in order to appoint a caregiver as a kinship legal guardian.

The bill also amends sections 10, 11, and 34 of P.L.1974, c.119 (C.9:6-8.30), (C.9:6-8.31), and (C.9:6-8.54), respectively, to require the court or the Division of Child Protection and Permanency (DCCP) to make reasonable efforts to place the child with a suitable relative or person who has a kinship relationship as defined in section 2 of P.L.2001, c.250 (C.3B:12A-2) prior to placing the child with another suitable person when: (1) the DCCP is informed that there has been an emergency removal of a child from the child’s home; (2) the court

finds that a child's continued removal is necessary to avoid an ongoing risk to the child's life, safety, or health; or (3) the court places a child with a relative, other suitable person, or the DCCP for placement, upon a finding that the DCCP has made reasonable efforts to prevent a child's placement or that reasonable efforts to prevent placement is not required.

The bill amends section 6 of P.L.1991, c.275 (C.30:4C-12.1) to require that in any case in which the Department of Children and Families (DCF) accepts a child in its care or custody, including placement, the DCF is to consider placement of the child with a suitable relative or person who has a kinship relationship.

The bill further amends section 6 of P.L.1991, c.275 (C.30:4C-12.1) to require the DCF initiate a search for persons with a kinship relationship with the child who may be willing to provide care and support to the child and assess their ability to provide the care and support, including placement, required by the child.

If it is determined that a person with a kinship relationship is unwilling or unable to assume the care of the child, the DCF is to inform the person of its determination, the person's responsibility if there is a change in circumstances upon which the DCF made its determination, the person's right to seek review of the DCF's determination, and the possibility of that termination of parental rights may occur if the child remains in resource family care for more than six months.

Under current law, the DCF is required to initiate a search for relatives of a child who may be willing to provide care and support, including placement, to that child, assess their ability to provide that care and support to the child, and if a determination is made that he relative is unwilling or unable to assume care of the child, inform the person of its determination and provide the relative with other information as necessary by law. The DCF is not required to follow such procedures for persons who have a kinship relationship with the child.

The provisions of section 15 of P.L.1951, c.138 (C.30:4C-15) stipulate that a petition to terminate parental rights can be initiated on the grounds of the "best interests of the child" if the parent is unwilling or unable to eliminate the harm facing a child or is unable or unwilling to provide a safe and stable home for the child and the delay of permanent placement will add to the harm. Under this standard, such harm may include evidence that separating a child from the child's resource family parents would cause serious and enduring emotional or psychological harm to the child.

The bill amends section 7 of P.L.1991, c.275 (C30:4C-15.1) to eliminate the provision that allows evidence that separating a child from the child's resource family parents would cause serious and enduring emotional or psychological harm to the child to be used in initiating a petition to terminate parental rights.

STATEMENT TO  
**ASSEMBLY, No. 5598**

with Assembly Floor Amendments  
(Proposed by Assemblyman CONAWAY)

ADOPTED: MAY 20, 2021

These Assembly amendments add a statement of legislative findings and declarations to the bill.

The amendments also clarify that the court is required to first consider placement of a child with a suitable relative or person who has a kinship relationship as defined in section 2 of P.L.2001, c.250 (C.3B:12A-2), when considering if the child should be placed in the custody of another suitable person.

# Governor Murphy Signs Legislative Package to Address New Jersey's Opioid Epidemic

07/2/2021

**ASBURY PARK** – Reaffirming his commitment to end New Jersey's opioid epidemic, Governor Phil Murphy today signed a comprehensive legislative package into law to address the state's opioid crisis through overdose prevention and recovery resilience. The six bills focus on overdose prevention by expanding low-barrier access to naloxone and bridges to medication assisted treatment; strengthens public health data; and builds resiliency among children and families impacted by the opioid crisis.

“Over the last three years, my Administration, alongside our partners in the Legislature and many passionate advocates, has worked to meaningfully combat the opioid crisis that has held our state in its grip for far too long,” **said Governor Murphy**. “We have worked tirelessly to erase the stigma associated with opioid use disorder and people who use drugs, close gaps in treatment, expand access and use of life-saving medicines like naloxone, and support the work of syringe exchange programs and harm reduction centers. The fight against the opioid epidemic has required a focus on harm reduction by providing safe and compassionate access points to care and by securing funding for vital programs and recovery services. By signing these bills today, we are strengthening the foundation of these critical resources and programs, keeping families together, and furthering our commitment to saving lives and ending the opioid epidemic in New Jersey.”

“The opioid epidemic is a national public health crisis that devastates families every day,” **said U.S. Congressman Frank Pallone**. “We know that harm reduction is critical to saving lives and getting the help individuals who suffer from opioid use disorder need to combat this epidemic. As Chairman of the Energy and Commerce Committee, I've helped pass legislation in Congress to address this crisis and will continue to work at the federal level to save lives. I'm proud to join Governor Murphy today as we take another step forward in expanding access to treatments and lifesaving medications in our state.”

Governor Murphy signed the following six bills into law:

**S3491 (Vitale, Lagana, Vainieri Huttle/Verrelli, Benson)** Revises and expands authorization for any person or entity to obtain, distribute, and administer opioid antidotes.

**S3803 (Vitale, Schepisi/Conaway, Vainieri Huttle, Verrelli)** Permits certain paramedics to administer buprenorphine.

**A5595 (Verrelli, Benson, Holley/Gopal, Lagana)** Requires Division of Consumer Affairs to publish retail price of certain opioid antidotes.

**A5597 (Conaway, Jimenez, Speight/Vitale, Turner)** Permits school districts to administer student health surveys after prior written notification to parents and legal guardians.

**S3814 (Madden/Conaway, Mosquera, Tully)** Requires DCF or court to consider placement of children with relatives or kinship guardians when making placement decision; makes changes to certain standards for initiating petitions to terminate parental rights.

**A5703 (Armato, Verrelli, Conaway/Addiego, Lagana)** Requires certain health insurers, Medicaid, NJ FamilyCare, SHBP, and SEHBP to cover naloxone without imposing prior authorization requirements.

"I would like to thank the Governor for signing these crucial and life-saving bills into law today," **said Senator Joseph Vitale**. "Drug overdose is the leading cause of accidental death in the United States, with opioids being the most common drug, causing approximately 70 percent of all drug overdose deaths. Many of these lives could have been saved with the use of opioid antidotes, however; there is currently only a limited amount of individuals authorized to administer these antidotes. These new laws will expand who can deliver antidotes to a larger group of individuals, which will be crucial in saving countless lives from overdose."

"This bill keeps reunification the focus by removing barriers to relatives becoming Kinship Legal Guardians so that the child's relationship with their birth parents can be preserved," **said Senator Fred Madden**. "Kinship relationships increase the emotional well-being of a child and reduce their number of placements in foster care. This legislation will allow case precedent to better reflect new research."

"It's important that we have accurate data on the social, emotional and physical well-being of our students," **said Senator Shirley Turner**. "This legislation will help to provide that, by ensuring we are allowing as many students as possible to participate in these valuable surveys. I am grateful to see the Governor signing this measure into law and I look forward to seeing the impact it has on our public health initiatives."

"In 2020 alone, New Jersey had thousands of suspected opioid overdose deaths," **said Senator Joseph Laguna**. "It is evident that when we increase the availability of opioid antidotes, we can equip ourselves with the resources needed to greatly diminish the amount of deaths we have each year. Additionally, having the prices of these antidotes readily available will encourage those suffering from addiction to seek out antidotes that can be life-saving in dire times. I commend the Governor for signing this bill package today and I know we will save more lives because of it."

"Complete and utter transparency between the Division of Consumer Affairs and consumers is essential," **said Senator Vin Gopal**. "Antidotes like Narcan save lives and its accessibility can be the difference between a fatal drug overdose and someone's resuscitation. This legislation will ensure that consumers can identify which opioid antidotes they can afford and encourage them to purchase one to keep on them in case of emergency."

"Naloxone is crucial in treating an opioid overdose in the event of an emergency," **said Senator Dawn Addiego**. "When properly administered, the drug has been proven to significantly decrease the likelihood of death following an overdose, saving countless lives to date. It is imperative that we make this life-saving medication as accessibly as possible to our residents."

"As a doctor, I know just how important it is to prepare for and respond to medical emergencies patients may encounter," **said Assemblyman Herb Conaway**. "With thousands of lives lost to overdoses each year, we need a system in place to help residents struggling with substance use disorders who may be at risk for overdoses."

"Having immediate access to an opioid antidote when helping someone experiencing an overdose can mean the difference between life and death," **said Assemblyman Anthony Verrelli**. "It might be too late if a patient has to wait for treatment until they reach the hospital, which is why we must improve access to these medicines in our state."

"Every life lost to an overdose is a tragedy that might have been avoided with the right resources and support," **said Assemblyman John Armato**. "We must do everything in our power to help prevent the needless loss of life caused by drug overdoses throughout our state."

"Due to the addictive nature of these drugs, unfortunately it is quite possible for someone who overdosed once to accidentally overdose again," **said Assemblywoman Valerie Vainieri Huttle**. "We must take a holistic approach to combating overdoses by also treating opioid use disorder itself with medicines such

as buprenorphine.”

“Studies have shown that children often fare better when placed with relatives rather than someone they do not know in foster care,” **said Assemblywoman Gabriela Mosquera**. “More residents with happier, stable childhoods will help reduce the number of people throughout our state who struggle with substance use disorder.”

“A safe and loving home environment helps pave the way for children to lead healthier lives,” **said Assemblyman Christopher Tully**. “This legislation provides solutions to one of the key factors contributing to substance use disorder by ensuring more children end up with family or friends who know them and can care for them when their parents cannot.”

“When you consider the prevalence of overdoses in our state and just how effective opioid antidotes can be in those situations, it is clear we must do everything we can to make this medication widely available,” **said Assemblyman Daniel Benson**. “Allowing anyone to obtain opioid antidotes and give them out or utilize them in emergency situations is one way we can help get this life-saving medicine into the hands of the many residents who need it.”

“Opioid antidotes save lives – it’s as simple as that,” **said Assemblyman Jamel Holley**. “There can be no confusion about pricing and accessibility when it comes to helping our community members acquire these medicines.”

“With drug use sometimes beginning as young as 12-years-old, it is vital our State gathers information on the various health issues affecting our students,” **said Assemblywoman Angelica Jimenez**. “Knowing just how many children have already been exposed to harmful substances will help us better understand the scope of the issue and how to address it before it becomes more severe in adulthood.”

“We need to know more about the health challenges facing New Jersey students today,” **said Assemblywoman Shanique Speight**. “Understanding how many students are actively using harmful substances will make it easier for us to reach out and provide support to the children in our communities who need our help.”

“Governor Murphy and the Legislature are committed to saving lives by reaching those in need and removing barriers to treatment, and that includes making life-saving opioid antidotes as accessible as possible,” **said New Jersey Department of Human Services Acting Commissioner Sarah Adelman**. “We’ve worked to get the opioid overdose antidote naloxone into as many hands as possible, distributing 62,000 free doses to residents at more than 300 pharmacies and giving more than 70,000 free naloxone doses to police, EMS, homeless shelters, libraries, reentry organizations and county mobile outreach units. Naloxone saves lives, and these new laws will help reinforce these efforts to get it into as many hands as possible in as many ways as possible.”

“Today, New Jersey is making a strong and lasting statement with several new laws that support substance use treatment, recovery and family connections,” **said New Jersey Department of Children and Families Commissioner Christine Norbut Beyer**. “Through our work in child welfare, we know that substance use and addiction are often underlying factors of family separation, with resulting trauma that can have long term, negative effects on everyone involved. This new law will help create placement stability for children who are removed due to a caregiver’s opioid abuse, and will ensure that the preference for kinship placements is preserved.”

“Today’s actions further demonstrate Governor Murphy’s commitment to end the opioid epidemic in New Jersey. By removing barriers to life-saving treatments like naloxone, and addressing the impact of addiction on families, these new laws will make it easier for people battling with substance abuse to receive the help they need and will ultimately save lives,” **said New Jersey Department of Banking and Insurance Commissioner Marlene Caride**.



"New Jersey remains resolute in its commitment to ending the addiction crisis that continues to claim lives in communities across New Jersey," **said Attorney General Gurbir S. Grewal**. "These bills bolster our efforts by expanding access to life-saving medications and giving those on the front lines additional resources to fight this epidemic."

"Taken together, these bills provide powerful tools to address the overdose epidemic," **said New Jersey Department of Health Commissioner Judith Persichilli**. "Fundamentally rooted in science, compassion and harm reduction, these bills will help reverse the tide of the overdose epidemic, which has robbed us of too many people we love. These bills come at a crucial time, especially as we worry about an uptick in overdoses as a result of the COVID-19 pandemic."

"Breaking down barriers to affordable high-quality healthcare is the hallmark of what we do at the VNACJ Community Health Center," **said Christopher R. Rinn, CEO of the VNACJ Community Health Center**. "Today's initiatives not only underscore Governor Murphy's ongoing commitment to end the opioid epidemic but also empower those at the community level to improve access to a whole host addiction services. We are especially grateful for the support of our Medication Assistant Therapy (MAT) programs. The opioid epidemic continues to impact thousands of lives in the communities we serve. Thanks to the Governor's and the Legislature's leadership, we are saving lives and empowering patients onto the journey of recovery."

"Expanding New Jersey's naloxone standing order will make it much easier for people who use drugs to access this life-saving medication," **said Jenna Mellor, Executive Director, New Jersey Harm Reduction Coalition**. "When naloxone is widely available, people who are most likely to witness an overdose can act as first responders and save the life of a friend or family member. This legislation will get naloxone into as many hands as possible, which is one of the few proven ways to prevent overdose deaths. We sincerely thank Governor Murphy, Senator Vitale, and Assemblywoman Vaineri Huttel for their leadership on this issue, and look forward to finding new ways to expand harm reduction services across the Garden State."

"The bills signed today ensure that cost, location, and stigma never stand in the way of naloxone access for people who use drugs, people who used to use drugs, and our loved ones," **said Caitlin O'Neill, Director of Harm Reduction Services and co-founder, New Jersey Harm Reduction Coalition**. "Having naloxone on-hand is critical to keeping one another alive, and this bill makes widespread naloxone distribution possible. I commend Governor Murphy, Senator Vitale, and Assemblywoman Vainieri Huttel for responding with true leadership when people who use drugs when we told you we need widespread community naloxone access to survive, and I look forward to continuing to expand harm reduction services throughout the Garden State."